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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

12° & 13° VICTORIÆ, 1849.

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SIXTH DAY OF JULY, 1849.

Fifth Volume of the Session.

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1849.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

SECOND SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 2 NOVEMBER, 1848, AND FROM THENCE
CONTINUED TILL 1 FEBRUARY, 1849, IN THE TWELFTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIFTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, June 12, 1849.

MINUTES.] PUBLIC BILLS.—1ª Silver Coinage; Sheep Stealers (Ireland); Parliamentary Oaths.

3ª Navigation.

PETITIONS PRESENTED. From Derby and Holyhead, for the Extension of the Jurisdiction of County Courts.—By the Earl of St. Germans, from Wolverhampton, that Boards of Guardians may be Empowered to grant Superannuation Allowances to Poor Law Officers.—By the Earl of Yarborough, and the Duke of Beaufort, from Gloucester, Kirkby on Bain, and Haltham, for Protection against unrestricted Foreign Competition.—From Newport, in the Isle of Wight, for the Removal of Jewish Disabilities.—By Earls Eglinton and Nelson, from Ilchester, against the Parliamentary Oaths Bill.—By Lord Colchester, and the Earl of Eglinton, from Faversham, Launceston, and Places in Scotland, for the Suppression of Seduction and Prostitution.—By the Bishop of Oxford, from Belfast, Darlington, and Leighton Buzzard, that a Demand may be made on the Brazilian and Spanish Governments for the Liberation of all Slaves.—By Lord Stanley, from Quebec, against the Repeal of the Navigation Laws.—By the Duke of Montrose, from Stirling, St. Ninian's, and Dumbarton, against the Marriage (Scotland), and the Registering Births, &c. (Scotland), Bills.—From Morpeth, against, from Hartlepool, Gloucester, and other Places, in favour of, and from Alnwick, for an Alteration of, the Freemen's Lands Bill.

FRENCH INTERVENTION IN ITALY.

LORD BEAUMONT rose to put a question to Her Majesty's Government, and said, that considering the importance of the subject to which it referred, their Lordships would not be surprised at his putting the question without having given the ordinary notice. Their Lordships must be aware of the extraordinary proceedings which had marked the progress of the French expedition to Italy since it had landed at Civita Vecchia; nor could they be uninformed of the unfortunate results arising from that expedition. Their Lordships had been informed by the Message of the French President to the Legislative Assembly that this country approved of the proceedings of the Government of France with respect to the conduct of its foreign relations; and in consequence of that assertion on the part of the President, it became, he thought, that House to inquire and to ascertain how far Her Majesty's Government were implicated, either by approval or suggestion, of the conduct which he had already observed had been so extraordinary on the part of the French expedition. If their Lordships looked to the various despatches and proclamations of the commander of that expedition, and those of the diplomatic agents of the

French Government engaged in the matter, they would feel at a loss to conceive either the objects of the expedition, or the principle upon which its proceedings were conducted. At one time it was stated that the expedition was sent forth with the professed purpose of protecting the liberties of the Roman people, and preventing the invasion of their territory by a foreign Power. In almost the same breath, it was announced that it was for the purpose of restoring the fugitive Pontiff to his throne, and also of establishing in Central Italy the influence of France. The proceedings of the expedition were, however, in every way contradictory—at least in their results—to these proclaimed intentions and objects. France landed an expedition in Central Italy. The immediate result of that landing, was the advance from the north of Austrian, and from the south of Neapolitan, forces; and this notwithstanding the professions of France that her expedition was to prevent the invasion of the Roman territory. In the same way they proceeded to protect the Romans. The first act of protection by which they showed their love for the Romans was a violent attack upon their capital, which, after a vigorous resistance, had been repelled; but which, after renewed professions of French interest for Roman liberties, had been followed up by another attack, and most probably at the present time Rome was deluged in blood. So much for their protection of the Romans. As for the restoration of the Pope, the first proclamation which the French made on landing stated that the Romans had a perfect right to choose their own Government; and then, most unreasonably, when it was told them by the Triumvirate that the existing Government had been already chosen by the unanimous vote of an assembly elected by universal suffrage, they, notwithstanding, proclaimed their intention to put down the Government which was thus the choice of the people, whilst at the same time they maintained the principle that the people had the right to choose their own Government. In this manner the Romans were in every way deceived. The despatch of M. Lesseps one day was contradicted on the next by the declaration of the commander of the French forces; while throughout the whole of the negotiations, the conduct of the French was marked by tortuous and contradictory proceedings, in strong contrast to the plain and straightforward conduct of the Triumvirate. But the Romans were not the only parties who had been deceived. A congress of the Catholic Powers had been held at Gaeta, where Naples, Austria, and Spain were represented, as well as France, and, according to their version of the case, a mutual understanding had been come to as to the mode of proceeding, and a joint intervention on behalf of the Pope was agreed on; and yet France took upon herself to act singly, and totally separate from the other Powers; and while thus acting separately, that one Power professed intentions, which, if anything, were hostile to Austria, inasmuch as French influence was to supersede Austrian influence at Rome, and in direct opposition to the proposal of the other three Powers—that proposal being, that there should be a joint action of the four Catholic Powers for the purpose of restoring the Pope to his seat in Rome. But not only were Austria, Naples, and Spain deceived in the first instance, but when these three Powers endeavoured to regain their position by sending each an expedition to co-operate with France, Naples was a second time deceived; for when her forces advanced in accordance, as they imagined, with the agreement for a joint interference, the moment they had reached Albano, the French general signed an armstice with the Romans, who availed themselves of the opportunity thus afforded them to repulse the Neapolitans at Velletri. The latter retreated, making a most rapid flight of forty miles in twelve hours—the King of Naples had no idea of fighting the battle alone, and he got out of the danger as quickly as he possibly could. However, after that, the French renewed their attacks on Rome: they still professed that they came to assist the Romans in their struggle for liberty, but the Romans could not understand, any more than Falstaff did, the French way of backing up their friends; they rejected the friendly proposal of the French to allow them to occupy their capital—to put down their Government—to banish their chief and leading men—and to leave Rome entirely to the mercies of the French Government. The Romans naturally resisted this invasion of their friends; and the consequence was, that they were not able to take steps to impede the march of the Austrians. The consequence of the friendly intervention of the French in Rome had thus been, in the first place, to enable the Austrians to bombard Bologna, and to advance to Ancona, without resistance, and bombard that place too—indeed, the bombardment of Ancona was now going on; and, in the next place, the French were compelled to destroy at the same time, with a friendly and fraternal hand, the very capital of the country, Rome itself. Certainly, such brotherly love had scarcely been witnessed by the world since the days of Cain and Abel. But those, also, were not the only parties deceived. The Pope, in whose name the expedition had been professedly undertaken, had been as much deceived as any one of the Catholic Powers, or the Romans themselves; for his Holiness, according to the allocution which he had lately published, had understood that the sole and only result of the congress at Gaeta was, that the four Powers should jointly restore him to his authority in Rome, and then to leave him to act as he liked; and it was upon that point in particular that he should wish to have some little information from the Government, as far as they were able to afford it. Whilst the Austrians even acknowledged that something like lay government should be established in Rome, as far as temporal affairs were concerned, the Pope himself, in his allocution, declared, that he had never admitted that there should be any lay government whatever, nor could the participation of laymen in the legislative counsels of the head of the Church be suffered, except in consequence of its being forced upon him; and that all attempts to establish it were contrary to the rights, interests, and principles of the Holy See; and that those persons deceived themselves who thought that he would ever submit or agree to lay government. It was, therefore, clear, that before the French expedition sailed to Civita Vecchia, the French Government had not made any concert or agreement with the Pontiff with regard to the terms upon which he was to be restored to his authority in Rome. Austria had her own interests in view, which were incompatible with the objects of France. From those proceedings, he gathered, that at the congress at Gaeta nothing had been accomplished save the mutual deception of each other, and of the Sovereign Pontiff himself.

The EARL of DEVON begged to interrupt the noble Lord. He asked whether it was expedient that any noble Lord should, without any notice whatever, or even with notice, as a preface to a question, go into a long statement, affecting not only the Government of this country, but that of almost every country on the continent of Europe, and of bestowing animadversions upon them?

LORD BEAUMONT was perfectly willing to consult the opinion of the House upon this subject; and, of course, if it were the opinion of the House, he had nothing to do but put the question in a point blank form. The reason why he had adverted to the history of the case, was to show that there was some ground for putting the question. He would, therefore, ask his noble Friend the President of the Council whether, since the landing of the French expedition at Civita Vecchia, there had been any communication made to the Government of this country, on the part of France, of her objects or intentions with regard to that expedition—whether there had been anything like advice asked from this country, or advice given by this country to France, with regard to the ultimate objects of that expedition—and whether his noble Friend was able to state now what were the ulterior objects which France had in view with regard to the future settlement of the Roman States?

The MARQUESS of LANSDOWNE said, that although he had not received any intimation from his noble Friend, till he came down to the House, of his intention to ask this question, he had no objection to answer it at once; for he had little other answer to give his noble Friend than to refer him to what had already taken place in the House upon this subject. He did not feel himself called upon to explain, neither had he been enabled to state, the objects and motives which had influenced the French Government in undertaking its expedition. All he deemed it necessary to state was, that Her Majesty's Government had been no party to that expedition. Before it sailed, we received from the French Government a communication that it intended to send an expedition to Civita Vecchia for the purpose of restoring, so far as the presence of such an expedition could do it, tranquillity and order in the Roman States. To such an expedition we did not think ourselves bound to offer any obstacle. Beyond receiving this communication, neither at the sailing of the expedition nor subsequently, had we made ourselves in any respect parties to that expedition; and thus not having given any advice as to the expedition itself, we had not offered any advice as to the conduct of that expedition, but had kept ourselves aloof from it. That expedition was undertaken by the French Government on its own responsibility, and with reference to its own views alone. The British Government felt that it was placed in a situation quite distinct from that of the other Powers as to the restoration of the Pope. He alluded, of course, to the religious ties which bound those Powers to the Sovereign Pontiff; and which did not bind us. But nevertheless the British Government had not seen with indifference the events which had expelled the Pope from his temporal dominions; but they always had been, and still were, ready to offer such suggestions as might be useful for the purpose of restoring by negotiation the power and authority of the Pope in Rome; and it had expressed its hopes, though they were not very sanguine hopes, that the restoration of the Pope to his authority, upon terms and conditions which would ensure its permanence, might be effected in conformity with the wishes of his people.

The **Earl** of **ABERDEEN** said, that the last time the noble Marquess had spoken on this subject, he had stated that the communication of the French Government was a written communication. Now, if the noble Marquess would produce that written communication, it would tend greatly to explain this at present inexplicable question. He (the Earl of Aberdeen) had imagined that the communication was only verbal; but as the noble Marquess had now informed them that it was a written one, their Lordships would be better able to judge of the intentions of the French Government if it were laid before them. It was now many months since that communication was made—so far back, he believed, as November or December last. Now, was it possible for any man to believe, considering the cordial understanding which we were told now prevailed between the two Governments on all subjects, that no further communication had since taken place between them respecting the invasion of Italy?—a measure which could not be indifferent either to England or to Europe. Could it be possible that we had neither received nor asked from France information explanatory of her intentions on such a subject? Could it be possible that France, acting on a good understanding with us, maintained a strict silence on a subject so interesting to us and to all Europe? The noble Marquess had told the House that the French Government informed Her Majesty's Ministers that it was sending out that expedition to restore order and tranquillity. Did that phraseology mean the restoration of the Pope—for that was the first object which the French Government professed to have in view? What the noble Lord opposite (Lord Beaumont) had said was very true—that it was in vain to look for the intentions of the French Government in the proclamations which it had issued. Now, what he (the Earl of Aberdeen) wanted to know was this—What object did the French Government declare itself to have in view in that written communication which it made to our Government of its intention to send out the expedition to Italy? If the noble Marquess would lay on the table a copy of that communication, their Lordships would have the means of judging for themselves what the intentions of the French Government really were, or at least what the intentions were which the French Government had thought fit to assign for their expedition.

The **Marquess** of **LANSDOWNE**: Had he been aware that this question would have come under consideration this evening, he would have brought down with him the exact terms of the communication. He had, however, accurately stated its substance. He could not say at present whether any communication had or had not been received from the French Government as to the mode in which the expedition was proceeding. He was not bound to explain the objects of the expedition, or of the negotiations with which it had been accompanied.

Lord BROUGHAM said, this was a matter of the highest importance, and had excited universal interest throughout Europe. His noble Friend (the Marquess of Lansdowne) had stated that the only official communication which had been received from the French Government, was to the effect that it had sent, or was about to send, an expedition to Civita Vecchia for the purpose of endeavouring to restore order and tranquillity at Rome. But he wondered that it did not strike his noble Friend at the head of the Foreign Office, that an expedition to Civita Vecchia of five and twenty thousand men, for the purpose of restoring order and tranquillity in Italy, could not by any possibility mean an expedition to stop at Civita Vecchia, and that if it meant anything, it was an expedition that would go on to Rome. It could be taken in no other sense.

The **Marquess** of **LANSDOWNE**: Ancona?

LORD BROUGHAM: Ancona! Yes; but that was a very different case; and we were taken very much to task by the Opposition of that day because we did not interfere when the French occupied Ancona. There was, however, another point which appeared to him rather astonishing. It was clear that the English Government knew nothing of what was going to be done. In one of the most important public documents which had recently appeared—a document which was highly creditable to its author, whoever he might be, both for its judicious admissions and its still more judicious concealments, and which was a model for political writing on account of the information which it gave as well as of that which it withheld—in the statement made by the President of the French Republic, there was a most pleasing acknowledgment of the good footing on which the French and English Governments were with each other. He gathered from that document that the French had received from the English Government an approval of all that had hitherto been done; for the President said that they ought to be grateful for the good will—but, perhaps, that was too strong a translation of the phrase — which the English Government had always shown them. But it was impossible that that could have been the case.

The EARL of ELLENBOROUGH: When the noble Marquess lays the terms of the communication from the French Government upon the table of the House, perhaps it would not be inconvenient for him, at the same time, to inform the House of the terms in which Her Majesty's Government had acknowledged the receipt of the despatch announcing the intention of the Government of France to send an expedition to Civita Vecchia. He did not, of course, understand that the Government had said that they would not put any "obstacle" in the way of the French expedition—for that was a very strong word to use—but he wished to know the terms in which Her Majesty's Government had stated they would not object to the purposes of the expedition, as stated by the French Government. That was a point on which the House ought to have some information. There was one observation which had fallen from the noble Marquess, in reference to which he begged permission to say a few words. As he understood the noble Marquess, he said that this country was differently situated, and had not the same interest in this question, that the Catholic countries of Europe had. Now, he (the Earl of Ellenborough) could not altogether agree in that opinion. It was quite true that England was not a Catholic State, and might not, therefore, feel that personal interest in the position of the Pope which was felt by Catholic Powers; but we had 8,000,000 of Roman Catholic fellow-subjects; and it was as much an object of interest to us, as it could be to any one of the Catholic Powers of Europe, that the Pope should be in a position of independence—that he should not be so situated as to be dependent upon the bounty or upon the power of any one, or of any combination of the Powers of Europe. That was surely of as deep an interest to us as it could be to either Austria or Naples. The question was not whether the Pope, as the Sovereign of Rome, should or should not reside and rule there, but whether the person who happened to be at the head of the Roman Catholic religion should maintain a position of independence; and that appeared to him to be a matter of the deepest importance.

The MARQUESS of LANSDOWNE need not say in that House that they had no spiritual connexion with the Pope: that was well known in that House; for they not only declared, but they had sworn, that they never would establish spiritual relations with the Pope. He thought, therefore, he was quite justified in using the words he did, that in one important aspect—in a religious aspect—they had no interest in the condition of the Pope. He did not say that they had no interest of a political character. On the contrary, he said that, in his political character, they had a great interest. In that view, he would now repeat what he had said before—that the Government were most desirous that the Pope should be restored to Rome, in possession of his former power and rule, on condition that liberty should be secured to the people in such a way as would ensure its continuance, and meet with the approbation and concurrence of his subjects. That was a consummation which he thought could be best promoted by negotiation, and not by having recourse to arms. With regard to the use of the word "obstacle," he did not mean to say that by the word he meant they should go to war with France: all he meant to say was, that we had made no objection to the course France was taking. In reference to the production of the papers alluded to by the noble Earl, he would have produced them at once if he had had them present, and he would be very glad that the House should be aware of the exact terms of the communication in question. But when the noble Earl went further, and asked for the production of subsequent communications, he was not prepared to pledge himself to their production, without having first examined them more particularly.

Subject at an end.

NAVIGATION BILL.

Order of the Day for the Third Reading read.

The MARQUESS of LANSDOWNE moved that the Bill be now read 3^a.

The EARL of ELLENBOROUGH hoped their Lordships would not consider that he continued his opposition to this Bill with undue pertinacity. At the same time he felt so deeply the injury which this measure would probably inflict upon the country, that he could not refrain from expressing shortly, even at this last stage of the Bill, and when he had no hope of inducing their Lordships to depart from the view they had already taken, his decided objections to its becoming law. He had in the course of his life, now not very short, had occasion, in Parliament, to oppose several measures which appeared to him to be fraught with danger to the best interests of his country; and he regretted to say, that in many of these cases he had lived to see his fears of an injurious result arising from these measures realised; but, certainly, he did not recollect any former occasion on which he was compelled to oppose a measure which appeared to him so fraught with danger to the actual security of this country. His apprehensions, however, would, to a very great extent, be relieved, if he could believe that all those who constituted the majority in support of this measure, were conscientiously convinced that it was of a safe and salutary character. He had such a high respect for the opinions and the judgment of many of those who supported the measure, that he would have been led to distrust his own judgment on the subject, however long formed it might have been, if he could entertain the opinion that they were thoroughly convinced of its expediency. But he could not avoid the apprehension that many of those who constituted the majority in favour of the Bill, did not act altogether from unmixed motives—that they looked, in all probability, to the consequences of rejecting this Bill, as leading to a change of Government, and as a necessary consequence to a dissolution of Parliament—and that they considered the inconvenience, or, as they thought, the danger of such a measure, sufficient to justify them in giving their support to a Bill which they could not otherwise view without apprehension. There was no faculty which was more invaluable in public as well as in private life than that of making a just appreciation of the comparative magnitude of objects, when that faculty is combined with the firmness of mind which enabled a man to follow that object which appeared to him to be of the greater importance. But he must say he had never seen in this country any Government—and if any Government most certainly the present Government was not that—of which the present preservation, the temporary existence in discharge of its functions, was of more importance to the country than the permanent maintenance of its maritime supremacy. He, therefore, deeply regretted that which appeared to him to be a fatal error of judgment on the part of those who really dreaded the consequences of this measure, and yet allowed themselves to be induced by minor considerations to give it their support, and to make it law. He would not, however, on this occasion go into the general arguments which might be urged against the measure, but he did not think it would be inconvenient, or inexpedient, if he were on this occasion again to touch on those measures which appeared to him to be absolutely necessary that Her Majesty's Government should now adopt for the security of the mercantile interests under the system now about to be introduced. It would be only fair and just to the shipbuilder, that he should now be relieved, in the character of a drawback, from all duties on timber and every other article that was used in shipbuilding. Further, it would be absolutely necessary that Her Majesty's Government should promptly introduce a measure rendering it necessary that all masters and mates of vessels should be subjected to examination before they were entrusted with their commands. Farther, in all instances of ships being lost, the master, officers, and crew of the vessel should be subject to be tried for their loss on the same principle on which the captains of vessels in Her Majesty's service were tried by court-martial; and where it appeared that the loss had been occasioned by gross neglect, or gross incompetency, he thought that not only should the master, mate, or other officer be punished by imprisonment, but that the policies of insurance effected by their owners should be voided, or that some other distinct punishment should be imposed upon the owner through whose laches the incompetent person had been appointed to the command. Last year a measure was brought forward, but which was not passed into a law, for the purpose of procuring a fund for the support of our merchant seamen when worn out in the merchant service: such a measure would be of the greatest service in inducing them to remain in the service of their native country, and they would thus be in a position to render service to this country in case war broke out. It was then proposed that a portion of the funds should be drawn from the shipowners. He feared that the reluctance then entertained by the shipowners would be entertained in a still greater degree after this present Bill came into operation. But it was necessary, in order to secure the good conduct of the merchant seamen, that some fund should be provided to give pensions to those who were worn out in the merchant service, and so to induce them to remain in the country. He would even go farther than any provision contained in the Bill of last year, and should be glad to see a provision made for merchant seamen similar in principle, though perhaps not in extent, to that which was now given to the seamen in Her Majesty's services in the Hospital at Greenwich. No measure could be adopted that would be more gratifying to the merchant seamen, or more useful to the country. Another measure which he would strongly recommend to Her Majesty's Governvernment—and he would particularly request to this point the attention of the noble Earl (the Earl of Granville) the Vice President of the Board of Trade—another point which he thought essential was, that a Bill should be introduced for the re-registration of the merchant ships. It was now twenty years since the last registration; and in the course of that period gross errors had crept into the system. In 1847, it appeared that the registered tonnage of the country had been 3,200,000 tons. He entertained great doubts as to the correctness of this return, and as a test he had moved for a return of the number of those ships which had entered once in the course of a year, with the number of those which had cleared outwards once, besides the number of times they had entered and cleared out. It appeared that in 1847 the amount of tonnage that had entered inwards and cleared outwards amounted to 2,300,000, and that ships to the amount of 200,000 tons had arrived, which had been absent for more than a year; and assuming that at the end of 1847 the same amount of tonnage was still absent on the seas, and add also 100,000 more for the ships that might be built during the year, and for those that might have been under repair during the whole year, and it would appear that the total amount of tonnage for 1847 was not 3,200,000, but 2,600,000. Observe what the effect of this was. If there should be no new registration, there would accumulate upon the register ships that were no longer in existence; and it might happen that, notwithstanding even a diminution in the real number of ships, their number on the register would appear to be increased. They were also told that they had 230,000 seamen. But if the proportion of seamen to ships was, as he believed it to be, a proportion of five seamen to 100 tons, then the number of seamen in actual service in 1847 was 130,000, and not 230,000; and though it was possible that this might not be the whole amount, still the difference was so enormous that he was satisfied Her Majesty's Government would do well to look closely into this matter, and rectify the register. It might be very convenient to state to Parliament that there was, year by year, a constant increase in the number of seamen and the amount of tonnage. But this was all delusive. If they compared their present condition in this respect with what it was 25 years ago, they would find it was anything but satisfactory; and that, though there might be an increase, still it was much less than they desired to see. There was another point which was worthy the notice of the House with relation to steamers. It was assumed that the carrying power of a vessel was in proportion to her tonnage. But this was not so with regard to steamers, because a large portion of steamers was occupied with machinery, and they were fitted up for the carriage of passengers rather than goods. These were the measures which it appeared to him Her Majesty's Ministers ought to introduce without delay. But he should be quite wrong if he did not admit that there were other measures within the reach of the shipowners themselves which it would be necessary for them to take. The opinion was entertained, and he feared among the shipowners, that, in consequence of these measures, a diminution of expense in the navigation of ships, however to be attained, would be rendered necessary. On the contrary, he thought that one of the first measures which the shipowners ought to adopt, should be an improvement in the build of their ships. There was no economy in commerce equal to the economy of time; and that vessel which was well built, well commanded, well manned, and which, in consequence, would perform its voyage in six months instead of ten, that vessel would be invaluable to the owners; she would always command freights, and she would be navigated on a lower insurance. He was satisfied, therefore, that the true policy of the shipowners lay not in saving money, but in spending money in making their ships as perfect as possible. There was another measure which he certainly thought would be highly desirable to the shipowner. They were told that machinery was employed to a greater extent in American than in English vessels, and he understood, and he believed it was so, that in consequence a considerable amount of manual labour was saved. He could perfectly understand that machinery might be more extensively employed than it now was with us for certain purposes, such, for instance, as in raising the anchors and yards, and in assisting the operations of the capstern or windlass; but it was altogether impossible that machinery could reef a topsail in a gale of wind; and unless a vessel had on board a sufficient number of well-trained seamen, it was impossible that that vessel could make a quick voyage, or ever work off a lee shore. He had himself seen, on board ships where there was a want of hands, the sails taken in much sooner than they needed to be, simply because it was impossible to reef them with sufficient promptitude in the event of the occurrence of bad weather; and therefore he thought it was necessary to the best interests of the shipowner, not that there should be a diminution in the size of the masts, or in the number of men, but that vessels should be rigged and manned in the most efficient manner, to make their voyage as quickly as possible. There was another measure which was well worthy the attention of shipowners. Temperance had been introduced into the American ships, and he saw no reason why it should not be introduced into British ships —temperance, he meant, not only in the forecastle, but in the cabin; for it was in the cabin that the greatest danger lay from its neglect, not in the forecastle. But by temperance he did not mean abstinence—he did not mean to say that spirits should be altogether dispensed with—no such thing; nothing could be more absurd or foolish than to suppose that in circumstances of difficulty, of danger, or of extreme labour, when men were suffering from cold, or from the violence of the wind, that in such circumstances seamen could do all that was required of them without an occasional resort to spirits. But the use of spirits should be the exception and not the rule; and if it were, he was satisfied there would be no objection at all on the part of the seamen. There was another subject of some delicacy to deal with, and perhaps it would be impossible to introduce it without first taking into account the character of the master or mate; but though it might not be possible, in all vessels, to celebrate divine service on Sundays, yet he was satisfied that Sunday ought to be made, whenever wind or weather permitted a day of rest; and, more than that, the seamen ought to have the opportunity afforded them of reading books on religious subjects. He was as much opposed as any man to extravagance in religion, because nothing was more calculated to defeat its own object; but to reasonable and judicious books, he thought, the seaman would willingly resort; and if he could not read himself, he could listen to others reading, and he was satisfied he would do so with pleasure and satisfaction. He thought it was also in the highest degree the interest of the shipowners themselves to combine together in order to render unnecessary any resort to the crimping system for the purpose of manning their vessels. When he heard the evidence given last year upon this subject, the wonder with him was that any ship got safely through the Channel. Men were brought on board unknown to the captain or mate, unknown to each other — half drunk, and in that state they remained during the most dangerous portion of their voyage. There should be every disposition shown to establish sailors' homes for the use of seamen, where they might enjoy the comforts of a home at the end of their voyage. Though this Bill took away the necessity of employing apprentices, yet he trusted that the good sense, the good feeling, and the policy of the shipowners, would still induce them largely to engage apprentices, and also to give as much permanency as possible to the crews connected with their vessels. The really healthy state of things is, when there exists, for a length of years, some connexion between the vessel and her crew. Every measure should be adopted to obtain a permanent crew—that the master and his crew should have that confidence in each other which arose from long-tried experience. He had read with shame the condition of the Swedish and Norwegian seamen, when he compared it with the condition of English sailors. He knew the difficulty was, when things were morally bad, to attain to a better condition; yet the object in this case was so great, that an effort ought to be at once made to attain it; and although he did not think it necessary that there should be a board of commercial marine, yet it was necessary that the Officer at the head of the Board of Trade should give his best consideration to the attainment of their object, for certainly the well-being of British seamen and the good constitution of the British commercial marine, was one of the most important subjects connected with his department. He would not at present trouble their Lordships farther. He must say, in conclusion, that he felt the deepest regret at this measure. They had inherited the dominion of the seas. They had received that inheritance from men who did not shrink from difficulties when they had before them a great object—from men who did not think that a somewhat enhanced rate of freight was too high a price to pay for the supremacy of the ocean, the security of the country, and its high position among the nations of the world. They were now asked to dissipate that fair inheritance—to sell their proud birthright for a mess of porridge—to act on principles more suitable to the diggers in California than to the once high-minded legislators of Great Britain. He dismissed this Bill with the greatest disgust for the principles and feelings on which it appeared to him to be founded. He dismissed it, at the same time, with the most painful apprehension that the consequences—let the shipowner do what he might—let the Government do what they might—that the consequences, in his conscience he believed, would deeply impair the mercantile marine of this country, and in doing so would materially affect the security of the empire.

The EARL of GRANVILLE remarked that the noble Earl had said so little upon the general principle of the Bill, that he should feel himself quite exonerated from going into the general question also. With respect to what the noble Earl had said at the beginning of his speech about some Members of their Lordships' House having given their votes in favour of this measure, although they were not convinced of the soundness of its principle, he begged to say that he was not himself aware of any Peer who had been influenced by feelings such as the noble Earl had described; neither was he aware of any Peer on the other side who had given his vote against the repeal of the navigation laws, although aware that it would not be dangerous to the interests of the country. With regard to the useful advice which the noble Earl had tendered, and his expression of opinion as to what it was the duty of the Government now to do, and what it was the duty of the shipowners now to do, in order to prepare themselves for the struggle before them, he trusted that what had fallen from the noble Earl on these points would not only be duly impressed upon the minds of their Lordships who had heard it, but would go forth to the public for their information also. The first measure which the noble Earl had suggested the Government ought to take up, in order to assist the shipowners in their struggle, was the removal of the duty on timber. He (the Earl of Granville) remembered when, on a former occasion, he alluded to this point in addressing their Lordships, a noble Duke on the Opposition side of the House said he could not hear of such a thing. He must say, that he to a great extent agreed with the noble Duke, because he felt that if Her Majesty's Government were to give this remission to the shipowners, they would have great difficulty in meeting the complaints of miners and others engaged in manufactures of importance who made extensive use of foreign timber, and who would no doubt apply for similar remission in their own favour. The next subject which the noble Earl had referred to was that of a new registration. He (the Earl of Granville) was certainly not prepared to say what were the views of the Government upon this point; but it appeared to him, so far as he saw at present, that there could be no very great objection to it. He believed that the result would no doubt be a diminution in the amount of registered shipping; but he thought at the same time that the noble Earl had somewhat exaggerated the amount of shipping that would be so taken off. With respect to the Merchant Seamen's Fund, a Bill had been introduced into the other House of Parliament, embodying in a great degree the views contended for by the noble Earl; but it met with so much opposition from the parties connected with the shipping interests, that it was found impossible to proceed with it in the shape in which it then stood; though he was ready to admit that it still deserved the best consideration of the Government, and that such a measure must at some time or other receive the consent of Parliament. He might mention that it was the intention of Government to bring in a Bill this Session which he hoped would do much to improve the discipline of the mercantile navy, which the noble Lord said was so much wanted. He trusted that the advice of the noble Earl to the shipowners, with regard to the good management and good build of ships, and other necessary improvements, would be followed by them, for there could be no doubt that they would tend to the advantage of the mercantile marine. With respect to the introduction of temperance on board of British merchant ships, he believed that it was impossible to over-estimate the value of that principle. It had been proved in American merchant ships, as well as, partially, in ships belonging to this country; and he was confident that nothing could so raise the character, both of the seamen and the masters of ships, as the general introduction of such a system. With regard to furnishing books to the seamen, and otherwise improving their education, he believed that such a measure was calculated to produce as good effects at sea, as it was universally admitted to have done among all classes on land.

The EARL of WINCHILSEA said, that he could not possibly give a silent vote on the present occasion. Of all the changes made within the last few years, he considered that the measure then before the House was characterised by a greater degree of recklessness than any which had ever been brought before Parliament. It had been truly observed in the course of the discussions upon this question, that one of our chiefest boasts was our naval superiority, which superiority had mainly arisen from the immensity of our mercantile marine; but that marine we were now going to diminish, by permitting foreign vessels and foreign shipwrights to supplant those who were engaged in the British shipping. If we looked at the state of England, with her extensive colonial empire, there never had been a period in the history of the country when we required a more extended naval power than at present. What were we going to do? This measure had been rightly designated a measure of free trade. It was carrying out the principle of free trade with the most utter recklessness which had ever characterised a deliberative or national assembly. We had practical experience of the advantages of our navigation laws. He defied any man, either in or out of that House, to deny that under these laws England had risen above all other nations in the world to a just and proud dominion over the seas. And were they now to abandon this dominion for the adoption of a mere speculative measure of this free-trade character, which he was firmly convinced would shake not only the superiority of our naval power, and destroy the best interests of the mother country, but would undoubtedly, in case of war, lead to the loss of the greater part of our colonial empire? It was a measure which would bring utter ruin on the great interests of the country. He most deeply deplored the fact; and he was sure that the expression of this regret would be shared in by the great body of his countrymen—that the second reading of a measure of this speculative character, which abandoned well-tested principles, had been carried by the right rev. bench, for if the occupants of that bench had not supported it, the noble Lords on his side of the House would not have been left in a minority. The day was coming, and it was not far distant, when his anticipations would be realised. He had not taken his seat in that House many months, before he took the liberty of speaking, in a voice of warning, to the heads of the Church in that House. He told them that if the period should ever arrive when questions of a secular character, and of great national importance, should be carried by the votes of the right rev. bench, England would join with him in a wish to see the house of convocation restored, and the bench of bishops represented by a few chosen from among them, who would not interfere in questions which, for the best interests of the country, they had better not touch. This question would that night be carried, and our naval power would be destroyed. There were those among their Lordships who would live to see the consequences. He was certain that as the principles of free trade were now bringing great distress and injury on all the leading interests of this great country, so the mercantile and shipping interests would feel the fearful effects of the present measure, and that not many years, possibly not many months, would pass over before all interests would unite against a system of reckless speculation and change, which, in all nations, had characterised the worst periods of their history. He protested against the passing of the Bill, and he regretted that a want of courage on the part of some of their Lordships prevented it from being thrown out. Some of them there were who feared to turn out the present Ministry—who feared that the present Government would retire from office—as if England had sunk so low that we were obliged to peril our greatness because we had not the moral courage to vote as we wished, and then to appeal to the feelings of the country. Had they done so, he was confident that their conduct would have been sustained by the general opinion of the country.

EARL TALBOT said, that he could not refrain from saying one or two words on this question, though the noble Earl below him (the Earl of Ellenborough) had so clearly—as was habitual with him—stated the objections that were entertained to this Bill, and the measures that Her Majesty's Government ought to have brought forward for the improvement of the commercial marine of the country, that it was unnecessary for him to trespass at any length on the time of the House. He entirely concurred in what had fallen from the noble Earl. He believed that the passing of this Bill was a surrender of the means of their national defence; and he objected to it also because the Government had not stated any plan by which they proposed hereafter to man Her Majesty's Navy. They would again have pressgangs going round; but in future they would only select the British sailors that would be found on board of merchant vessels, while British sailors in foreign ships would be relieved from impressment altogether. He objected to the Bill also because it had been brought forward contrary to the feelings of the mercantile and maritime population of the country. He would not allude to the means by which the Bill had been carried in that House; but he believed that in a very short time the country would begin to perceive the danger that would accrue from this measure. He would not trespass farther on the time of the House, as he had merely risen lest it should be supposed that he took any part in the passing of such a measure. The whole responsibility rested with the Government, and he wished them joy of their measure.

LORD STANLEY: If I thought that there was the slightest chance of my being able to induce your Lordships to reconsider the fatal decision at which, on the former stages of this Bill, you have arrived, or that any fresh or additional arguments could be adduced upon the subject, I can assure your Lordships that no amount of labour imposed upon myself—no amount of inconvenience to which it might put your Lordships—would be sufficient to deter me from again endeavouring to press upon your Lordships the considerations upon which this Bill appears to me to be eminently dangerous to the welfare of this country; but I must confess that whilst my convictions remain unaltered—whilst my apprehensions are undiminished—whilst I concur in all the feelings which have been so eloquently expressed by the noble Earl near me (the Earl of Ellenborough), I frankly confess that I have no more or additional arguments to urge upon your Lordships, beyond those which have already been brought forward by myself or by other noble Lords in the course of these discussions; nor, even if I had, could I hope that they would be sufficient to shake the determination of the majority of this House, which again, on the third reading, as it was upon the second, might be composed of those upon whom arguments would be necessarily wasted, inasmuch as their votes are given without the possibility of their hearing the arguments. I abstain, therefore, from troubling your Lordships by a repetition of arguments already urged, and also from troubling you by repeating a division from which I can possibly anticipate no different result from that which has previously followed the discussion of this question. I, therefore, with my noble Friend behind me who has just spoken, leaving to Her Majesty's Government the full and entire responsibility for the fatal consequences to this country which, I fear, at no distant period, will result from the measure which you are now about to pass—leaving on Her Majesty's Government the entire and undivided responsibility of carrying this measure, I shall satisfy myself on this occasion by saying "Not content" to the Motion for the third reading, and by placing on your Lordships' Journals a record of the grounds on which I believe that it is dangerous to the best interests of the country.

LORD BROUGHAM said, he agreed with his noble Friend who had just sat down as to the course which he proposed taking on this question. He had heard with extreme delight the most brilliant, nervous, and powerful speech of his noble Friend (the Earl of Ellenborough), and he was glad that the noble Earl the Vice President of the Board of Trade had set a right value on that part of it in which his noble Friend had not so much commented on the Bill before the House, as offered suggestions of a useful and practical nature. He hoped that the noble Earl would direct his attention to these suggestions, and that good of a public nature would arise from them. He must also say that on looking around for an explanation of the extraordinary phenomenon of the passing of this Bill, even by the narrow majority—including those who voted for the measure without hearing the case at all—not exceeding ten in the whole, he could not overlook the fact, that there had been a majority for the Bill in Committee, where those who were present could alone decide the question. The efforts that had been made to secure that majority had been commented on upon a former occasion. The fact had not been overlooked that they had been honoured in Committee, where proxies could not be used, with the presence of diplomatic functionaries stationed in parts of Europe, one more important than another at this particular moment, when the foreign affairs of this country, and the affairs of Europe at large, were most critically circumstanced. The sudden leaving of their posts at this emergency, in order to hasten over, for the sake of a measure which, he hoped, might not be called hereafter a matter of foreign policy, was most remarkable. These functionaries hastened hither to participate in the debate, including his noble Friend from Paris, though a more critical moment, with regard to that embassy, had not existed since the year 1789. His noble Friend the Ambassador at Vienna had likewise hurried over, while the fate of Austria hung in the balance. The high honour of the presence of those distinguished personages arriving late in the evening in that House, instead of passing it at their different posts, led to the phenomenon of the Government being able to pass this measure through Committee. But he could not help thinking that there was another cause which even the sudden apparition of the diplomatic characters would not account for. He could not help thinking that many men, for whose honour and honesty he entertained the highest respect—men of whose talents and sagacity on ordinary occasions he had the highest admiration—men whose tried patriotism, and of the purity of whose intentions, above all personal feelings, he entertained the most deep impression on ordinary occasions—he could not help thinking that these men had made what he had no doubt they would find, on mature deliberation, to be an unhappy mistake with regard to the present position of public affairs in this country. The grievous mistake into which they fell—and God forbid that he should attribute any sinister views to them in so doing!—was this: they thought that the throwing out of this Bill would tend to the throwing out of Her Majesty's Government, and that if the Government were thrown out, an appeal would be made to the country by a dissolution of Parliament. He happened to know that one of those whose influence was the greatest in bringing about this most unhappy result, had been of opinion that a dissolution, at this moment, would lead to a contention fatal to the internal peace of the country—that it would lead to a war of free-traders against protectionists—setting class against class, and arraying the manufacturing and commercial against the agricultural interests. These men to whom he alluded felt that their patriotism would not allow them to be instrumental in bringing about such a catastrophe; and that he, believed, was the solution of the result which had created so much astonishment. If he had been of their opinion, he should cordially and willingly have subscribed to the course which they had pursued, and he would, at an humble distance, have been their follower in it; but he disputed with them the fact. He was confident that no such war of classes would have taken place. He was confident that if any such war were likely to occur in this country, it would have taken place in 1847, when it did not occur—that was the first year after the Corn Bill had been carried—and, moreover, he happened to know, from information which he had from all parts of the country—partly from delegates hither, partly from correspondents there and letters thence—that instead of there being any war of classes—nay, instead of there being any difference of opinion—nay, instead of there being any difference of views to be apprehended between the manufacturing and commercial classes on the one hand, and the agriculturists on the other, the whole of these classes, often as they were found to differ, were cordially united in opposition to this Bill. He had lived through too many storms on commercial questions to have any doubt on this point, from the first time that he entered Parliament, and even before it, for the Orders in Council began in 1808, two years before he had the honour of a seat in the House of Commons. He had, since then, known storms to have arisen, and classes to be opposed to each other, and, above all, this existed at the time of the free-trade controversy in 1846, in which he took an humble but zealous part, in conjunction with those who were now the Ministers of this country. But he was bound to say that a reaction had taken place to a degree far beyond what he had anticipated. He believed it would be but temporary, he did not expect it would be permanent; but he admitted that, with all his experience of past results, he did not expect so soon to have seen so considerable a reaction set in as that which, there was no doubt whatever, was now taking place against free-trade principles. Many of those who had joined him in 1846 had, he was afraid, since left him to join others—he did not mean on the question of the navigation laws, but on the question of free trade. If his noble Friends near him who were opposed to free trade, lived a little longer, which they were more likely to do than he was, they would, he was confident, see those who had abandoned free trade, and who now talked of it as a failure, as much in favour of corn law repeal again as they were in 1845 and 1846. It might be said that they could not alter their opinions to such an extent; but he had seen so many changes in his time, that he had not the least alarm with respect to this subject. At all events, however, there was no doubt but that a reaction had taken place, and that it was at present all against this Act, and in the direction of the agricultural and farming interests. He had no doubt whatever, therefore, but it would be found that a groundless apprehension respecting the risk of a dissolution, had led to the passing of this measure. He thought it right to make these few remarks, as this was the last stage of the Bill, and he would conclude by stating that he still retained the same opinion against this measure which he had before expressed, and which had been entertained by him ever since the year 1803, when he had first published his opinion on this most important subject.

Earl WALDEGRAVE — who was scarcely heard—said, that the great interest which he took in that service to which he belonged, rendered it impossible for him to vote in favour of the third reading of a measure which he believed would be greatly prejudicial to the naval strength and glory of this country.

The Marquess of LANSDOWNE hardly knew whether, after the very clear answer, or rather explanation, which his noble Friend near him (the Earl of Granville) had given to the observations which had been made by the noble Earl who commenced the debate, he should be justified in offering even a very few words in reference to the statements which had been made upon the question before their Lordships, because, although his noble Friend had confined himself to a mere explanation of the intentions of the Government in connexion with the important suggestions made by him regarding the mercantile marine of the country, yet he felt that the observations superadded to those views both by the noble Earl and by other noble Lords, had not been of a nature to require any detailed answer from him. Although the noble Lord had thought fit on this occaaion, while protesting against the third reading of the Bill, to invite their Lordships to something like an inquiry into the motives of the majority by whom the Bill had been passed, he (the Marquess of Lansdowne) was not prepared to admit that it was either a constitutional or a Parliamentary practice to adopt such a course. The opinions of that House were to be collected from the votes of the House, and from nothing else; and if their Lordships should be prepared at any time to go into a scrutiny of the motives which had led to those votes, there was no degree of personality—there was no degree of misrepresentation—there was no degree of interference with the sacred right of individual opinion, that might not be brought into action, or to which their Lordships would not expose themselves, by such a practice; the effect of which would be to divert the attention of the House from those arguments by which they were bound to be governed in giving their decision, to the consideration of matters wholly irrelevant to the immediate subject of debate. He must say, after listening to the little of argument, but much observation upon subjects not connected with argument, which they had heard to-night, that if this Bill had been attended, or was likely to be attended, with any extraordinary effects, he knew of no effect more extraordinary than the progress it had been the means of producing, in exciting views of a new and unexpected nature among noble Peers in that House, who had been distinguished hitherto for their most high, eminently conservative opinions. For, even in the course of the last half hour, such had been the effect produced by the successful progress of this measure, that they had heard observations from a noble Earl claiming to be most distinguished for his attachment to the institutions of the House and the country, expressing doubts as to how far it might be fit that a particular class of Members of their Lordships' House—who had as good a right to vote in that House as any Peer who sat there—whose existence in that House was as intimately connected with its constitution and privileges as that of any Peer's in the House—how far it might be fit and convenient for the future to admit them to take part in their Lordships' deliberations. And this was from a Conservative! Another noble Lord had discovered that the right of voting by proxy—a right which they had on many occasions seen practised without much scruple or difficulty—was one concerning which it was well to inquire how far it might be dispensed with for the future; whilst in another quarter another doubt had been expressed whether Peers of this realm who were engaged in diplomacy were fitted to form an opinion upon questions of commercial policy, because they were so engaged. ["No, no!"] Well, then, though they were fitted, it seemed that the noble and learned Lord was extremely anxious to deprive them of the right of expressing an opinion which that noble and learned Lord nevertheless thought they were so capable of forming. Now, if their Lordships were to inquire from what quarters persons were sometimes brought at great inconvenience—not because they were particularly qualified to form a judgment, but because they were qualified to give a vote—it would be as easy to find quite as many instances of persons being brought to vote in opposition to this Bill, as of persons being brought to vote in favour of it. But these were considerations which he denied that their Lordships had any right to enter into. But what he had principally risen for at this, almost the last moment, was for the purpose of giving the most distinct denial he could to the political motive which the noble Earl who spoke first had assigned for the bringing forward of this measure by Her Majesty's Government. That noble Earl stated they were about to dissipate the inheritance which had been bequeathed to us by our ancestors for the most sordid objects—that of commercial and pecuniary gain. He (the Marquess of Lansdowne) wished most distinctly to state that Her Majesty's Ministers would not have brought forward this Bill if they had conceived that it would in the slightest degree have a tendency to dissipate that inheritance. What they, however, on the contrary, contended was, that that inheritance was in danger — that they were called upon to come to the rescue of that inheritance, which inheritance was founded ultimately upon commercial principles. And why upon commercial principles? Because commerce, though pursuing as it did the walk of gain, as all commerce must do, yet pursued it in a way which strengthened the constitutional views of the country —those views being that commerce was the basis upon which the Navy of this country rested. If they extended commerce, they would strengthen the Navy; if they allowed commerce to be diminished, they would weaken the Navy; and if they were to effect a separation between the one and the other, they would do more to weaken the future power of their country than they could do by any other means. He unhesitatingly believed that whatever immediate effect this Bill might have upon the shipbuilding interest, and upon the number of the sailors of this country, its general and ultimate effect would be to increase that shipping, and to multiply these sailors. He did not consider those sailors who might be engaged in foreign ships, as might happen in that extension of commerce which this measure was calculated to produce, as sailors lost to this country; for he believed, whether they were employed in English ships or foreign ships, English seamen would always continue to be more or less an available resource for the naval and maritime power of this country. He was convinced it would be found, that in every port where a foreign ship was added, an English ship would ultimately be added also, and that there would be a greater aggregate of seamen following the noble profession to which his noble Friend had alluded in such feeling terms, who would ultimately produce those officers, seamen, and heroes, upon whom the safety of this country must hereafter, as it had hitherto, depended. Without going into any argument upon the subject, or adverting to any statements hitherto made and answered in that House, and without attaching too much importance to a mere single fact, he would mention a circumstance which had been communicated to him since the Bill had obtained that majority which made it probable that the third reading would be carried without a division. He had received from Liverpool an account of a considerable sale of ships within the last ten days, and he had it upon the authority of the broker who effected the sale, that the vessels, denuded of the monopoly stated to be essential for British shipowners, had been sold for higher prices than any ships of the same size and build in the course of the last ten years. One of the ships was a vessel of 500 tons. This, as far as it went, was a consolatory circumstance. It was one of many which, in the course of time, he believed would become rife and frequent. After parties had deliberated upon the character of the measure, and had time to observe its effects, he believed those fears would gradually vanish which had been put into people's minds; and that upon the cessation of a temporary panic—created, in some degree, by the debates that had taken place—a feeling of assurance would arise, founded upon the preference that would be ultimately afforded to the shipping of this country—shipping built in a superior manner, and manned by superior seamen—which would for ever command a preference throughout the seas of Europe, and of the world. For these reasons, he asked their Lordships to give this Bill the third reading, and he trusted that, in a very short time afterwards, it would pass into law.

Bill read 3ª, with the Amendment.

The Bishop of OXFORD rose to propose the addition of a clause of which he had given notice. The right rev. Prelate said, that without exactly subscribing to the opinions of the noble Earl opposite (the Earl of Ellenborough), he so far agreed with him that he would not have troubled their Lordships if he could have viewed the Bill merely as a commercial measure, or simply in relation to the higher interests of maritime defence with which it was connected. He should have been glad to have exercised his trust of giving a vote according to his belief, in silence, and have left to others better qualified by their attainments and position to follow out the difficult details which it involved. But, as to one point, the measure seemed distinctly to touch upon moral considerations, and upon moral considerations of the gravest and most important character; therefore, in this respect, it came naturally and directly within the sphere of those who occupied the benches on which he himself sat. Their Lordships would allow him to add, that if there was any one to whom it would be a natural desire to say a few words upon this question, the duty would fall most naturally to his lot, seeing the subject was bound to his heart by the closest ties of hereditary transmission, and by the most sacred terms of inheritance. The Amendment he had ventured to propose would explain in what points the Bill touched upon moral considerations; and he thought he should be able to establish, in a very few words, that without the introduction of such a clause, the Bill would give a great stimulus to the African slave-trade—that it would indirectly destroy the strength of this nation in testifying against and resisting that trade, and make us run the further risk of again mixing up this country in its maritime concerns directly with that accursed traffic. But before endeavouring to establish these propositions, he would state upon what grounds the question ought, in his opinion, to be decided. The whole of the great slavery controversy had been dealt with by this nation since it was first taken up as a moral, and not as a commercial, question. It was by appealing to the moral sympathies of the people that a reluctant Legislature was at last persuaded to abolish what was then considered a most lucrative traffic. It was by appealing to the moral sense of the nation that those who laboured in this cause had laboured successfully. It was by urging this as a moral and religious question that they raised the moral and religious feeling of the nation, and showed them that it was their duty at any cost to abandon the traffic. It was originally treated as a moral and religious question; and when this nation protested against the continuance of the slave trade at the Congress of Vienna, we took the ground not of commercial expediency, but the ground of its being a traffic plainly repugnant to the principles of high and universal humanity. We professed in the face of Europe, that we had undertaken the clientship of injured Africa; that we considered it our bounden duty, as the only reparation we could make to the people we had injured, to undertake, not a Quixotic enterprise, but the special duty of using our influence, our wealth, and our strength, to put down the trade as it was maintained by other nations, and as it has been maintained by ourselves. From that day until the unhappy year of 1846, as he must call it, this was the ground on which alone questions touching upon the slave trade were handled and based by the British Legislature. It was upon this ground that we established our fleets of cruisers upon the coast of Africa; it was upon this ground that we made treaties with barbarous Powers—it was upon this ground that we must in consistency deal with it still. It had certainly been cast in our teeth that we did all this for the sake of commercial return. We were told that having sacrificed slave labour in our own colonies, we were only endeavouring to bring other people down to the same equality in order that we might avoid the evil of the arrangement. The charge was false, and it had been indignantly repudiated. It was not true that we had undertaken any part of this great work with the view of securing commercial returns. True it was that commercial returns met us afterwards at many turns. But why? Because it was a part of the great truth which had always existed, that this world was under a righteous Government; and that no man and no nation could do right without, in the long run, proving it to be the most expedient course which could be taken. Therefore in abolishing the slave trade at first, in emancipating slave labour next, and in testifying against their continuance by other nations, this country had, in point of fact, been only doing that which was most expedient; but we did so, not because it was expedient, but because it was right. This being then the principle upon which the whole question had always been dealt with, he entreated their Lordships to deal with it now again upon moral grounds, and upon no other grounds whatsoever. But he begged them to remark, that if they once admitted it was to be decided upon moral grounds, they could not qualify those moral grounds. No assertion of inconvenience or of commercial loss could be urged. Being a question of morals, to be decided only upon such principles as he had indicated, it was no answer to say the clause he suggested would be inconvenient and difficult, or that it would cripple our commerce with Brazil. No such answer could apply, unless it was first shown that this was a commercial and not a moral question. His first proposition being, then, established, he would show further why the passing of the Bill without this clause would tend directly to cause a great increase in the African slave trade. He would take the case of Brazil. But when he took the case of Brazil alone, he must be understood as being able to show, by a longer process of reasoning, that the same applied to Cuba, which was also a great consumer of imported slaves. It had been admitted on both sides of the House, that the effect of this Bill would be to quicken trade, both on the side of foreigners and upon our own side. Its tendency as regards Brazil must be the same. It would quicken its trade, and increase its exports and imports; it would make our "best consumer," Brazil, a better customer. Let the House mark what was the position of Brazil. It was a country favoured almost beyond every other for natural advantages. It possessed a vast extent of territory, extending 2,600 miles from north to south, and 2,300 miles from east to west, with 4,000 miles of seaboard. That seaboard was intersected by numerous rivers, affording every facility for internal communication, and studded at due intervals with admirable harbours. The country, from these circumstances, seemed formed for a great commercial country; but it was wholly unable to become a manufacturing country. It was intended for an immense exporting country. Look at its physical character. It was divided into zones distinguished one from the other by a great prodigality of production, some in one respect, and some in another. Upon the south there were rich fields for cattle beyond the dreams of the greatest pastoral desire; a little to the north, the land produced every sort of the finest and most valuable mineral products in the earth. It was rich not only in the baser metals, but it abounded in gold and diamond mines—in fact, everything that could stimulate the cupidity of man was here at his disposal. Go into the next zone, a little further to the north, and you found the land abounding with sugar-canes and with the produce of the coffee-plant. Further to the north, the swampy nature of the ground furnished rich fields of rice; whilst nearer the equator, there was every kind of the richest spices. This country, so abounding in every gift of Heaven—so prodigally supplied with the richest natural productions—why was it that the people were not the greatest upon the face of the earth?

Because manual labour was wanted to gather in that which nature had afforded to the least toil with an exuberance of prodigality. Here, then, was the weakness of Brazil—that it depended for its supply of labour solely and entirely upon the importation of Africans, brought as slaves, from the other side the Atlantic. This plan was carried on upon the most vicious system that it was possible for a nation to adopt. It went upon the plan of working out the stock of slaves in the fewest number of years, and replenishing the stock by fresh importations from Africa. If this Bill was to quicken commerce, and increase the imports into Brazil, it must necessarily increase the exports from that country, because they had nothing but the raw produce which they raised to pay for the goods imported. Every quickening of the import trade of Brazil, must be a direct quickening of the exportation of the raw material which was produced by slave labour; and inasmuch as the raw material was raised by the labour of African slaves, every increase in the exports from Brazil must necessarily involve the importation of additional slave labour. The case was as plain as it could be, and therefore he did not see the possibility of inventing any mode of turning aside its direct application. Every additional ton of sugar, every pound of coffee, and every enlarged importation of the precious metals from Brazil, must necessarily be raised by slave labour; and he knew of no other means we possessed of placing a check upon this evil, than the course he proposed in the Amendment now before the House. The Government of Brazil was a sovereignty; but it was only a nominal sovereignty, the crown scarcely resting on the head of the Emperor, and giving him scarcely the shadow of any imperial power. How was political power administered in that country? The Sovereign wore a shadowy crown. The Emperor had scarcely a grain of imperial power; he had scarcely so much as the person who was called "the first representative of the Brazilian people." Political power was thus administered: first, there were provincial assemblies chosen by the landowners; then there was a General Assembly, selected in the same way, to represent the nation at the seat of Government; over this there was a Senate, elected originally in the same way, but the Emperor choosing one out of three. Then there was a Council of State, consisting almost uniformly of those who had been Ministers, and who came between the Emperor and the Senate. With that kind of Government we had for years been making treaties requiring them to put down the slave trade; and in the judgment of our own jurisconsults, we had a *casus belli* against that country for refusing to perform the engagements into which she had voluntarily entered, and that we should be justified in declaring the whole coast of Brazil in a state of blockade, and cut off the whole resources of the country, unless they kept the treaties they had made. But why did we not? Because the Government of the country was powerless to carry out its own designs. They desired to carry out their treaties with us, but under peculiar circumstances they could not enforce their convictions. It would, therefore, be unfair and unwise to declare war against them. Now, when they were not able in these circumstances to declare war, and enforce the fulfilment of the treaties, what ought this country to do? Surely to use every moral means signally and determinately to imbue the mind of Brazil with better principles, so as to enable the Government to carry out their views? Who prevented the Government from carrying out their desires? Principally the Portuguese slavetraders who resided at Rio and Bahia, and whose influence was supreme throughout all Brazil. It was essential to the cultivation of a Brazilian estate that the owners should have a supply of African slaves. The effect of our cruisers on the coast of Africa had been to raise the price of slaves from 20*l.* to 60*l.* a head; and the consequence was that the purchasers were not able to pay ready money for those they required. They, therefore, bought them of the slavetrader on a promise to pay, and mortgaged their land to the seller. By this means the price of the slave was spread over a number of years, and occasionally that price was raised to 75*l.* a head; but the effect was to make the Portuguese slavetrader supreme in the elections, and thus secure for him an immense influence over the Government. And when the Assembly met, where was real power lodged? Why, owing to the fact of the country being without any great parties, such as were found to exist in countries in a higher state of civilisation, the slaveholder was enabled to obtain all political power—and how? Almost uniformly by bribing the majority. In order to get the means of bribery recourse must be had to the Portuguese capitalist for money, so that the leader in the Assembly, and the representatives also, so far as this question went, were the representatives of the Portuguese slave-trade capitalist. In such a state of things, what hope was there of Brazil doing anything which would show, on her part, a desire to enforce the treaties? And was it not our duty to strengthen the hands of those in that country who were really anxious to do so? What would more strengthen those parties in Brazil than to enable them to point to our tariffs, to the exclusion of their sugars from our markets, and to our refusal to admit them to the privileges conferred upon other nations? To show them that we were ready to incur some losses in our commerce and many inconveniences for the sake of putting an end to that which we believed to be an abominable crime in the face of heaven and earth. They were accustomed to hear shrewd and sagacious men in Brazil say they trusted to the gold of England to turn aside the iron of England. They had the fullest conviction that we were not in earnest in this matter, and that we were actuated by nothing but a desire to benefit our West India colonies. Now, nothing would so much tend to remove these impressions as the determination of this country rather to suffer loss and inconvenience, than follow a system which in the slightest degree led to the encouragement of the accursed slave trade. He begged their Lordships to consider further, that there was no slight danger, if we went on in our present course, of this country being again polluted by something like a direct participation in the slave trade. He feared (and he said it with shame), that already was the wealth of England largely embarked in carrying on the traffic which the morals, the religion, and the legislation of England had alike denounced. The progress of commerce was like the progress of the air. It would, in spite of any attempts to prevent it, pass into unseen places, and we should be unable to prevent the capital of England going in some way to strengthen the slave trade unknown to us. But if he could show that by the Bill as it now stood, they would be preparing the way, not for an unseen and unknown application of English capital to the purposes of that trade, but that they were preparing the way for a direct participation in the trade by English merchants, he would have made good all that was necessary to persuade their Lordships to adopt his Amendment. The present course of trade, he was informed, was, that only direct exports from England to the coast of Africa were made; and that the legitimate produce of Africa was brought back to this country. Undoubtedly this direct trade was not polluted with the slave traffic. Manufactures of Manchester would in that case be sent, not indeed directly to be exchanged for slaves, but to be sold to the slavetrader for money, who directly transferred them into this unlawful trade. The great bulk of the goods would be sent from this country to Rio—the course of the trade would be to Rio—there the goods were sorted into cargoes suited to the slave trade; they were bought at the warehouses in Rio; and the merchants of this country, although they did not know how and for what they were purchased, so as to be directly involved in the trade, were yet implicated in conducting that which had been declared a crime by the Legislature of this country. In future, however, they would by this Bill allow foreign ships to bring in the sugar of Brazil straight to Liverpool, and take in there the cargoes that would enable them to carry on the slave trade in Africa. It was all along his main object to lade for that country, and thither he went from Liverpool direct. In one of the bays of Africa he shipped slaves, took water on board for the voyage, called at Cadiz on his way to change part of his crew, and with his cargo he went straight across to Rio. In due course they would again come to Liverpool with sugar, and take away another cargo of goods, to enable them to carry on the slave trade; and thus the merchants of this country would by the course of trade be drawn directly into the African slave trade with Brazil. Then it would be only necessary to take one other step, that of withdrawing our cruisers from the coast of Africa, and the result would be that British ships, manned with British seamen, would go forth from Liverpool to the coast of Africa, change their men at Cadiz, proceed to Africa, and ship slaves for the Brazils, the only chance which interposed being the possibility of their falling in with one of our men of war, and their detecting from the ship's papers the flag under which she ought to sail. That was the danger which they were incurring by this measure; and the unvarying maxim of wisdom was to keep, as far as possible, from all connexion with the trade, or the circumstances which would lead to it; and it was for their

Lordships at once to say, "We will have nothing whatever to do with it." That was the only way of ensuring safety, either for individuals or for nations, and he, therefore, called upon their Lordships not to bring the nation into this danger, or to sanction or mix themselves up with a crime the most base, indurating, and polluting at every turn which could be engaged in by any people. It was there he took his stand in moving this Amendment. But if the benches opposite were full, he might appeal to noble Lords on the grounds on which they place their opposition to the Bill, because if there was any country in the world with which commerce was carried on exclusively in British bottoms, it was Brazil, and in the trade between Rio and Liverpool. On that ground he might expect them to have supported his Amendment, in consistency with their own principles. But he might appeal to noble Lords on this side of the House on the ground of nobler motives than any that could be supplied by commerce. He thought he might remind them of the names they bore; names great in British story and in connexion with this particular subject; and if he might remind them of those mighty men who had played their part in their country's affairs, wielding its thunders and conducting its counsels, if permitted now to look down and see those who bear their names and have succeeded to the maintenance of their hereditary principles, and if they should see those thus related to them now prepared to peril the principles for which they had staked in former days their political power, and the national wealth, he thought it would leave a stain of sadness upon the brightness of their countenances, to see a cause for which they had lived and struggled, when they saw principles which they esteemed the most sacred upon earth now treated as so light and insignificant as to be utterly put aside for so trifling an object as that sugar should be imported into England some few pence perhaps cheaper, and because Brazil might consume a few more articles of our manufactures. But what was the argument of those who sought to remove all obstructions to the Brazilian slave trade—an argument which he took the liberty of saying was grounded on false principles? Why, it was this—that the vast importation which would ensue would stop and choke the market in a very short time; and it was said that Brazil, by over introduction, would lose the power of retaining in quiet those who were deprived of their liberty, and who would assert it for themselves and by their acts. But, then, what became of the commercial advantage which they were proposing to themselves by this Bill? On their own principles, to which he had just adverted, by their own showing, were they not now to build those hopes upon the side of a smouldering volcano? If, by passing this measure, the consequence should be that the slaves would rise to a man against the masters, what would be the effect on the country on which they were now concentrating their hopes, but devastation far and wide, and dismal ruin, from which centuries, perhaps, could scarcely recover it. But, in opposition to the argument he had just adverted to, the fact was, he believed, that no fear was entertained of the negro slaves. The people of the country calculated, that from the strifes natural to their tribes and families, they could not unite in hostility. Granting that this were the case with those just imported, and unless it were to be assumed that there were to be perpetual importations, and a perpetual balance of strifes, the succeeding generation must arise dead to the animosities of African origin, alive to the evils inflicted on them by Brazilian masters, and, uniting in a terrible struggle for their freedom, the consequence would be that those slave-dealers, that a nation full of evidence of antagonism, hate, violence, and brutality, must be plunged into some such convulsion as should issue in devastation throughout the country, and destruction to its present possessors. He said they must build on a surer foundation; act upon safe principles; lead the Brazilian to see his true interest as to the African race—lead him to cultivate the riches which God had conferred upon his country by a loyal population, and Her Majesty's Ministers would place our commerce with Brazil on a sound footing. If they did not, however—if they pursued an opposite course, let them not suppose the Brazilians would thank them for it. Already they had said our legislation had been for the purpose of getting Brazilian sugar a little cheaper in Britain; and he asked whether they could deny it? And was it not the same motive which prompted them now? And would not the Brazilians say the same thing of them again? He could tell them that the people of this country, above other nations, were disliked in Brazil, because we were believed to be the cause of the increase which had taken place in the price of their slaves. He said, in proposing this Amendment to their Lordships, he had grounded his argument upon the sacred principles of social and religious truth; and on those grounds it was that he now appealed to their Lordships against a traffic long since condemned by the Legislature. On those grounds it was that he appealed to their Lordships, by accepting his Amendment, to tell those slavetraders that they would not deal with them because they had pronounced them pirates — that they would tell them we would rather have less gain than be polluted with blood—and express the belief that He who ruled kingdoms as He ruled hearts, would, in His good time, return to them the lesser gain that they might have sacrificed, if they obtained his approbation in the mode in which they conducted their commerce. The right rev. Prelate concluded by moving the following clause:—

> "And whereas it is expedient that the privileges proposed to be given to foreign ships by this Act, should not be extended to the ships of nations actively engaged in the African slave trade, nor to foreign ships carrying the exports of such nations; be it enacted, that the said privileges shall not extend to the ships of Spain, or to foreign ships exporting the produce of the West Indian colonies of Spain, or to the ships of or to foreign ships exporting the produce of Brazil, until such time as Her Majesty shall have declared, by Orders in Council, that the Governments of Spain and Brazil have respectively given to Her Majesty full satisfaction as to the fulfilment of the treaties into which they have or shall have entered with Her Majesty for the suppression of the African slave trade; but that until such time the aforesaid Acts, declared by this Act to be repealed, shall remain and be of full force and effect as regards such countries, any such repeal as aforesaid, notwithstanding."

Lord HOWDEN said, that he would take the liberty of making a few observations, founded upon his own personal knowledge, in reply to the able and eloquent speech of the right rev. Prelate; and in spite of what had fallen from him at the beginning of his speech, he should answer him from sources which, whatever the right rev. Prelate might think, did appear to him (Lord Howden) as the best from which considerations on a question like this could be derived. He would not be seduced by the example of the right rev. Prelate to follow him into the religious part of the question; he should confine himself to the practical part of the propositions upon their Lordships' table; and in doing so he designed to distinguish between the speech and the proposition in support of which it was made, for he did not see any intimate connexion between the two, and he only hoped that the one might not be allowed to pass furtively under the great ability and eloquence of the other. The right rev. Prelate had spoken of the great importance of our commerce with Brazil, and he thanked him for that admission. The importance of that trade it would be difficult to overestimate, and it would be his object to endeavour to show the injury that would flow from any undue interference with that great branch of our commerce. Their Lordships were aware that no treaty at present existed between England and Brazil, and there was nothing to secure to Englishmen any rights in that country. There is no such thing there as a favoured nation; the flags of all countries being received on an equal footing as to vessels, and with equal duties as to imports. This state of things, it was true, gave Britain the power of dealing with Brazil as she might think fit, but it at the same time gave Brazil the power of dealing as she thought fit with the commerce of this country. Now, in this position he need not say how important it was for Britain that no such Amendment as had been proposed should be adopted. The right rev. Prelate perhaps was not aware that in Brazil a decree existed, although it was not in operation, the date of which had been changed and postponed from time to time, the effect of which was, that the vessels of any country not treating Brazilian vessels on principles of perfect reciprocity, should be charged with a differential duty one-third. This attempt to place the trade of Brazil on a footing of reciprocity with other nations, would not appear extraordinary or unjust in this country, for it was a principle contemplated by the very Bill on their Lordships' table. He stated this to show their Lordships the immediate burden to which they would subject their own vessels, for if they should proceed to enact the proposed Amendment, excluding the Brazilians from the advantages of the Bill, the number of Brazilian traders engaged in a direct trade to this country is so infinitely small, if indeed there be any, that they would continue unscathed, and the whole evil would fall upon us; and supposing the Brazilians should proceed to enforce this decree, their proceeding would be neither irate nor vindictive, for the date of it was as far back as October, 1847; and it had hitherto been suspended in order to give foreign nations an opportunity of conforming to its terms. As regarded this country in particular, the spirit of the decree contemplated by the Brazilian Government was so little hostile, that the Minister of Foreign Affairs said distinctly to him that all they could expect from this country, in compliance with that decree, was only so much as would in no way interfere with our colonial legislation, or be inconsistent with the navigation laws as they then stood. But he did not expect that the Brazilians would continue to look at the application of this suspended decree in the same way, when they found that the navigation laws of this country were repealed, and the vessels of Brazil were made the sole exception from the advantages conferred. Instead of British vessels entering the ports of Brazil, as now, on the same terms as those under the national flag, this favourable state of things would be probably immediately changed by the passing of this Amendment, and one-third additional impost laid upon British vessels, not considering the other retaliatory duties which might be afterwards imposed upon British goods; and should such a measure be answered by a corresponding one from this country, as is the general march of all such matters, things would go on from bad to worse, until there would ensue a complete cessation of commercial intercourse. If, then, noble Lords should sanction a course of legislation which would have the effect of establishing duties against British exports, or increasing the amount of those duties paid by vessels which already existed, they were preparing a series of retaliatory measures for one country to hurl against another, and were taking the shortest and most certain means of bringing about the catastrophe prognosticated by noble Lords who occupied the benches opposite, as to the decrease of our commerce and shipping from the prospective effects of the present Bill. Perhaps some of their Lordships might not be aware that the exports of this country to Brazil amounted to 3,000,000*l.* and upwards. But he begged to call their attention to the exports from Brazil of Brazilian produce, upon which the right rev. Prelate of course meant to place his lever and to affect if his Amendment should be adopted; the amount of these did not nearly equal the sum he had named for British exports. The exports from Brazil directly into this country were not much more than 600,000*l.* annually; but the exports indirectly sent into other ports of Europe and America through means of British merchants, and on British account, amounted to about 1,000,000*l.*; the rest of the account to make the balance even was transmitted chiefly in bills, or in articles of small bulk, such as gold dust and diamonds. Their Lordships would, therefore, perceive that the Legislature of this country had very little comparative control over Brazilian exports. What would be the result of the Amendment being carried? If it led to a cessation of intercourse altogether that would ill suit the views of noble Lords on the Opposition side, who were anxious for the interests of British shipping; and, taking another view of the result, the right rev. Prelate might depend upon it, that so long as there was a certain quantity of Brazilian produce wanted here, and it was remunerative to bring it, and so long as there was an immense quantity of it wanted in other parts of the world, there would not be less coffee or sugar grown in Brazil, and there would be no sufficient diminution of its produce through which to force Brazil to change its system. Nothing could be more injurious to our reputation than to refuse to foreign vessels a participation in the benefits of a measure like the present, while at the same time we allowed our vessels to continue in the Brazilian trade. We are already accused of pursuing a selfish course, under the mask of philanthropy, and this would prove it. Some of their Lordships might vote for the Amendment as a mode still left of protecting what they call British interests. That, at least, was an intelligible course, though one which he did not expect to see taken, after what had fallen from a noble Lord on a previous stage of the Bill, who, as leader of the protectionist party, had stated that he intended to offer no further opposition to its progress. The object of the right rev. Prelate is doubtlessly to punish Brazil for not adhering to her solemn engagements; but, in truth, by this Amendment we should punish nobody but ourselves. The commercial marine of Brazil was entirely employed upon its own and contiguous coasts, or, unfortunately, upon the coast of Africa; no Brazilian vessels came to England; he believed, indeed, that a Brazilian vessel, laden with Brazilian produce, was hardly ever found on this side of the northern tropic. The onus, then, of this Amendment would fall entirely upon British shipping, the amount of which on the average was 100,000 tons annually entering the ports of Brazil, and the whole of that tonnage was to be made liable to the differential duty of the decree of October, 1847. This Amendment, again, was not only against Brazil, but was a crusade against the commercial navy of all the maritime nations of Europe. How are we to get over the inconsistency of saying to other nations, "you are engaged in a sort of pestiferous traffic, and we cannot extend to you the privileges of an Act which we have just passed, but we shall still allow our own vessels to go on in this pestiferous traffic with this anathematised nation?" He asked whether the right rev. Prelate was prepared to complete his scheme, and bring in a Bill to refuse the privileges of this Act to English merchants and shipowners trading with Brazil? The table of both Houses would break down under petitions against a measure so arbitrary and so destructive. It would seem unwise to set an example of exclusion to countries that might be not unwilling to get rid of our competition, and who would be inclined to follow our example of exclusion from a particular trade. But had the right rev. Prelate considered the existing treaties securing what might be called the vested rights of international intercourse? Out of the twenty-three flags that sailed from Brazil in one year, there were eighteen with which we had reciprocity treaties, and who will consider themselves as having an indefeasible right to all privileges and advantages which may accrue from any relaxation of existing laws regarding shipping and commerce. The object of the right rev. Prelate was most laudable, and one could conceive an uprising of the world against the horrid traffic which he sought to extinguish, and a general system of self-abnegation to effect the object; but it could not be accomplished by legislative enactments such as the one now proposed. Unless there were a feeling so powerful and enthusiastic as almost to border upon what might be termed fanaticism, and thus produce a system of self-restriction, the habits and necessities of mankind would resist or neutralise such laws. The practical result of this Amendment would not affect the slave trade, though it might displace a portion of produce, and send it in another direction. The cultivation or exportation of Brazilian produce would not be so effectively touched by any legislative enactment that stopped short of actual force and pressure upon all countries trading with Brazil, as to advance the object of the right rev. Prelate; it would not be done by this sort of half intervention—and had we not had enough of interventions? that system by which we had none of the advantages of actual war in definitively settling a question, and by which we raised up inextinguishable hatred against this country. The trade of England was so vast and so ramified, its arms were so strong, and its fingers so industriously inserted into all the dealings of mankind, that we might depend upon it, when we interfered with the trade of another country, openly by capture or more speciously by restrictions, we were not injuring the trade of that country half so much as that of London and Liverpool. He (Lord Howden) must confess that it was not clear to him, whatever might be the duties of individuals, how far a Government might be justified in what might be called a strict line of purely disinterested action; a Government had great interests in charge, great duties to its own country to perform, and responsibilities which it could not shake off. He was not forgetting that mankind formed one great family; and that there was a "solidarity" among nations; but he also believed that in the great scheme of Providence it was intended that there should be paramount duties and affections to tower above the rest. He had thought it right, appealing to facts and not to feelings, to treat this as a commercial question, believing that Parliament ought never to neglect the commercial interests of this country; on which its greatness and happiness so much depended He was of opinion that the proposed attempt to embarrass Brazil would be abortive in its object, and would raise great difficulties, and give great provocation; and he trusted the House would reject the Amendment.

The Earl of WARWICK considered that the Amendment and the speech of the right rev. Prelate had come at the eleventh hour. It was certainly the most masterly speech he had ever heard, although utterly misapplied to the question. The right rev. Prelate had voted for the navigation laws. Now, it was his duty to have proposed some such clause as this before he consented to any alteration in the navigation laws—his Amendment would then have stood some chance of support. It was notorious that the navigation laws would promote the slave trade, yet the right rev. Prelate did not propose such an Amendment, although he deemed it of paramount importance. From all these considerations he could not vote for the Amendment, which at a former stage he would have been happy to have supported.

LORD DENMAN rejoiced in the noble stand made by his right rev. Friend that night in defence of the great principle now at work in the world. He was extremely glad that the right rev. Prelate's speech had been made, and not sorry that it had been so answered, as it had been by the noble Lord who replied to him; for the answer had expressly and carefully avoided the right rev. Prelate's argument, and disavowed the attempt to prove that it was not proper, upon high moral grounds, to take the course suggested in the Amendment. The only thing he (Lord Denman) wanted to induce him to vote for it, or indeed for almost any Motion of the right rev. Prelate upon this subject, was the demonstration that it came fairly into connexion with this Bill; and of that the right rev. Prelate's argument had convinced him. Nor should he have felt it necessary to say a single word, if the noble Lord (Lord Howden), who had given to their Lordships so many details of relations with Brazil, in addressing himself to the supposed good sense and policy of the country, had not thought proper to intimate that his advice was, that we should not interfere with the infamous trade he deprecated, and to infer that our interference could not be successful. He (Lord Denman) protested most strongly against any such inference. He totally disbelieved it. He was quite satisfied, from the experience we had had, that the slave trade had been so far repressed that it could be effectually suppressed; that nothing was required but that concert of the powerful nations of the world, which the noble Lord seemed to think would be an evil, expressing their resolution that the slave trade should not be carried on, and that, from the moment the world believed they were in earnest, it would be suppressed. It appeared to him a mere farce to threaten a reaction of the Brazilian trade against this country; and an attempt at military resistance on the part of the Brazils, in support of slavery, seemed, if possible, more farcical. He always lamented to see persons, in any station of life, high or low, collecting statements from newspapers, or other sources, calculated to give encouragement to that infamous pest. He had heard a great deal of the sodality of the nations of the world, and the salutary effects it might produce. But was not Africa part of the nations, and why should not she join in putting down the infamous traffic? a system which reduced human beings to the utmost misery, degradation, and suffering. There were two parties who were principally interested—the infamous slavetrader, who derived a profit from the practice of his crimes, and the poor African, who was invariably the sufferer. He (Lord Denman) was satisfied all that was necessary was to make the facts known, make the demonstration powerful, and the slave trade would be for ever abolished from the face of the earth.

The MARQUESS of LANSDOWNE conceived that a more unfortunate step could not be taken than the adoption of the proposed Amendment. The right rev. Prelate, in advocating the Amendment, excluded all other considerations but moral and religious. But it was to be borne in mind, that the moral influence of this country depended on its commerce; for without that commerce all the moral influence of this country, which their Lordships were now called upon to exert for the benefit of mankind, would be gone; and if they were to be regardless of commercial considerations, the effect would be that this country must recede from the high position it now held in the world. In his opinion, the cause which the right rev. Prelate advocated would be weakened throughout Brazil and the continent of America by Parliament assuming the right of setting up the proposed distinction. He concurred in what had been so well expressed by the noble Lord (Lord Howden), that if they discarded public opinion in endeavouring to operate on other countries, they discarded that which, in all countries, had ultimately the great ascendancy; and if they made public opinion their enemy, they created an obstacle instead of removing one. If it were certain that, without making any other sacrifice than a small portion of a particular trade, this country would possess an instrument at once to extinguish the nefarious traffic of the slave trade, and to bring into successful execution the treaties on the subject, he would not say that he, for one, would not willingly embrace the chance which fortune had thrown in his way; but he believed that the proposition of the right rev. Prelate would have no such effect; and all its significance would be in the spirit of opposition it would create in the nation against which it was levelled. Were it possible to obtain that which the noble and learned Lord who last spoke adverted to—a concert of all nations on this subject—were it possible, by speaking, not only to the interests, but to the moral principles of Governments and nations, to bring them to a universal declaration respecting it, he knew no triumph more worthy of a Government and a country than that which would result from the accomplishment of such an object; and he would say, that he was unaware of any man more assiduous in his endeavours to effect it than his noble Friend the Secretary of State for Foreign Affairs, whose exertions with that view had been unabated. And when he told their Lordships that his noble Friend thought that the effect of his exertions would be weakened rather than strengthened by the adoption of an Amendment like the one proposed, their Lordships would be convinced that it was possible to entertain the most ardent wish and hope for the extinction of the slave trade, and yet feel the necessity of great caution in the measures which might be adopted for that end, and the importance that whatever measures were resorted to should be effectual. For these reasons he should vote against the proposed Amendment.

The BISHOP of OXFORD, in reply, said, that nothing which had been stated that night had taken off the edge of the arguments he had ventured to address to their Lordships. The noble Lord (Lord Howden) had talked about the infliction of differential duties by Brazil against this country. Why, would the noble Lord tell their Lordships that this country had any need to fear such an infliction? Why, it was a common saying among Brazilians that there was but one Power with arms long enough to crush them, and that was England; but England would not do so for fear of injuring herself. The noble Lord had alluded to the inviolability of treaties. There were other treaties in existence besides those to which the noble Lord referred. As, then, we had the power and the right, by what argument could we justify our forbearance for enforcing the fulfilment of those treaties? It was not necessary to have recourse to war. England had only to say to Brazil that she should not share in those advantages of commerce which were open to other nations, unless she fulfilled the obligations which she had undertaken by the treaties into which she had entered. Whilst commercial greatness and commercial wealth were amongst the permanent sources of national greatness, strength, and usefulness, they were worth nothing unless they were upheld by national probity and national honour. And if the enforcement of those treaties were right upon principles of justice, by what was due to man and by the law of God, England could not forfeit her national greatness by adhering resolutely to them. Feeling strongly the justice of the Amendment, he could not do otherwise than divide their Lordships upon it.

House divided:—Contents 9; Non-Contents 23: Majority against the Amendment 14.

List of the CONTENTS.

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EARLS.
Falmouth
Galloway
Nelson
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BARONS.
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List of the NON-CONTENTS.

MARQUESS.
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Carlisle
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Scarborough
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Strafford
Suffolk
BISHOPS.
Hereford
Manchester
BARONS.
Byron
Campbell
Eddisbury
Erskine
Foley
Howden
Say and Sele

Bill passed.

House adjourned to Thursday next.

The following Protest was entered on the Journals of the House by Lord Stanley against the Third Reading of the Navigation Bill, Tuesday, June 12, 1849.

DISSENTIENT,

1. Because the Bill, while professing to amend the laws for the encouragement of British shipping and navigation, virtually repeals those laws, under the protection of which the mercantile marine of this country has attained its present eminence.

2. Because such repeal was not called for by any State necessity, nor by public opinion, which, on the contrary, has manifested itself universally and unequivocally as hostile to the measure.

3. Because any minor inconveniences to which British commerce may be subjected by the operation of the existing laws, might easily have been obviated by modifications and amendments not inconsistent with the maintenance of the general principle.

4. Because the Bill fails to secure to the shipping and commerce of this country in foreign ports, advantages equivalent to those which it confers upon the shipping of foreign countries.

5. Because it surrenders gratuitously and without any possible equivalent, to all foreign countries, the trade between the United Kingdom and

its widely-spread colonies and dependencies; in which trade a very large proportion of our shipping and seamen is constantly and profitably employed.

6. Because, by the concession of the indirect carrying trade between the United Kingdom and all foreign ports, any one nation which may be able to rival us in building, manning, and sailing ships, will be enabled to enter into successful competition with us throughout the world, and thus lay the foundation of a maritime superiority which it is essential to this country to retain, and which it was the especial object of the navigation laws to prevent any foreign powers from acquiring.

7. Because the Bill directly encourages the competition of foreign labour, and tends to diminish the demand for British seamen, British shipwrights, mechanics, and artisans, unduly to lower the amount of their wages, and greatly to discourage the employment of British industry.

8. Because the permission to register as British ships built in foreign ports will inevitably lead to a great transfer of capital to those foreign ports, and to the infliction of serious injury upon the shipbuilding establishments of this country, and the various branches of industry connected therewith; by which, in time of peace, employment is given to large numbers of our fellow-subjects, and the assistance of which, in time of war, has been found indispensable to the maintenance of the strength and efficiency of the Royal Navy.

9. Because the Bill, by exposing British shipowners to unlimited competition with those of foreign countries, while it leaves them subject to restrictions from which their rivals are exempt, holds out strong inducements to them to sail under a foreign flag, with foreign-built ships, and foreign seamen, to the manifest injury of the best interests of the country.

10. Because the Royal Navy is mainly dependent for its efficiency upon the commercial marine, and the classes of the community connected therewith; and this Bill, by discouraging the employment of British shipbuilders, ships, and seamen, tends directly to the reduction of the commercial marine, and thereby to the diminution of that naval strength which is the main foundation of the greatness of this country, and the surest defence of its independence. STANLEY.

HOUSE OF COMMONS,

Tuesday, June 12, 1849.

MINUTES.] PUBLIC BILLS.—1° Mutiny and Desertion (India); Marriages in Foreign Countries Facilitating.

3° Highways (Annual Returns).

PETITIONS PRESENTED. By Sir C. Douglas, from practising Shorthand Writers, for authorising Publicity to Parliamentary Debates.—By Mr. Stafford, from Stoke Bruerne, Northamptonshire, against the Parliamentary Oaths Bill.—By Mr. Bright, from Market Drayton, for the Adoption of Universal Suffrage.—From Loanhead and Lasswade, Edinburghshire, for the Affirmation Bill. —By Sir W. Clay, from Whitechapel, for the Sunday Trading (Metropolis) Bill.—By Mr. Fuller, from Burwash, Sussex, for an Alteration of the Law respecting Tithes.—By Viscount Brackley, from Stone, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Henry Berkeley, from Bristol, for Repeal of the Duties on Paper, &c.—By Sir W. Codrington, from a County Meeting held in Gloucester, for Agricultural Relief.—By Captain Berkeley, from Gloucester, for the Cruelty to Animals Bill.—By Mr. Clay, from the Hull Chamber of Commerce and Shipping, for Inquiry respecting Lighthouses.—By Mr. E. Ellice from St. Andrews, for Reform of the Parochial Schools (Scotland).—By Mr. Duncuft, from the Oldham Union, for a Superannuation Fund for Poor Law Officers.—By Mr. W. Fagan, from Cork, for a more complete System of Railways (Ireland).—By Mr. Stanton, from Randwick, Goucestershire, for an Alteration of the Sale of Beer Act.—By Colonel Tynte, from Wellington, for an Alteration of the Small Debts Act.—By Mr. Cobden, from a Number of Places, and by several other hon. Gentlemen, for the formation of Treaties by which International Disputes shall be referred to the Decision of Arbitrators.

MR. ERNEST JONES.

MR. F. O'CONNOR inquired whether the right hon. Gentleman the Secretary for the Home Department had received communications from Mr. Ernest Jones complaining of the visiting magistrates having prevented him from petitioning the House, and from asking the opinion of the Judges who tried him as to whether his sentence was fairly carried out? Also whether the right hon. Gentleman had received communications from Mr. Ernest Jones complaining that in consequence of his refusal to pick oakum he was confined for three days, when he was in a state of bad health, in a cell six feet long by four broad, and fed during that time upon bread and water?

SIR G. GREY replied, that he had received several communications from Mr. Ernest Jones, but having had no notice of the hon. Gentleman's inquiry, he really could not remember the details of the letters in question. All the representations of Mr. Jones had been referred to the visiting magistrates.

MR. F. O'CONNOR gave notice that on Friday he would repeat his questions.

Subject at an end.

AUSTRIA IN ITALY.

Mr. M. MILNES wished to put a question to the noble Lord the Foreign Secretary as to the occupation of the Roman States and of the Duchy of Tuscany by the Austrian forces. He wished to know whether the noble Lord could inform the House as to the terms of the occupation of Central Italy by the troops of Austria? Whether these acts were to be considered as those of an independent aggressing Power, or as those of the sovereigns of the States so occupied?

VISCOUNT PALMERSTON said, that he would first take the case of the Grand Duchy of Tuscany. The Austrian Government some time ago, through the Austrian Minister at this Court, submitted to Her Majesty's Government the opinion entertained by that of Austria, that in virtue of existing treaties the Government of Austria stood toward the Government of the

Grand Duchy of Tuscany in a position giving the former a right to interfere in the affairs of the latter, which it did not hold as regarded the other nations of Europe. When the interference of Austria in Tuscany first took place, it was reported that the entrance of the Austrian troops into Tuscany was not only unsolicited by the Grand Duke, but that it had taken place against his wish. Subsequent information, however, had negatived that impression, and led to the conclusion that the entrance of the Austrian troops into Tuscany was in accordance with the views of the Grand Duke. As to the interference of Austria in the Papal States, he had only to repeat that the Papal Government had made application to four Catholic Powers for active military assistance, with a view to the re-establishment of the Pope at Rome. These Powers were Austria, France, Spain, and Naples. Therefore the entrance of the Austrian troops into the Roman territory was in compliance with the application made by the Pope to Austria.

Subject at an end.

THE HUDSON'S BAY COMPANY AND THE UNITED STATES.

Mr. **CHRISTY** begged to ask the noble Lord the Foreign Secretary—Whether any negotiations have taken place, or are now pending, relative to the claims of the Hudson's Bay Company to compensation arising out of any treaties between this country and the United States; the nature and amount of such claims; and whether any correspondence has passed either between Her Majesty's Government and the Hudson's Bay Company, or with the Government of the United States on this subject?

Viscount **PALMERSTON** replied, that in the course of last year, the company had applied to Her Majesty's Government for countenance and assistance in certain negotiations which they wished to open with the United States for the cession of that portion of their property south of the new boundary line settled by the Ashburton Treaty. These negotiations were now proceeding, but as Her Majesty's Government did not carry them on, he was not aware of what their exact condition at present was.—Subject at an end.

THE ARCTIC EXPEDITION.

Viscount **PALMERSTON** presented certain papers relative to the American expedition despatched in search of Sir John Franklin.

Sir R. H. **INGLIS** wished to take the opportunity of saying a few words upon the conduct of the United States in sending out an expedition to search for that which sailed from the shores of England four years ago. He was sure that there was not one person in this House, or in this country, who did not entertain a deep sense of the noble conduct of the United States in reference to the matter in question. Four years ago, an expedition, manned by 138 as fine fellows as ever left Britain, had departed to explore the polar seas, and since that time no intelligence had been received of them. He would not be doing justice to the English Government, did he not state that in one year alone three expeditions were sent out in search of the missing vessels; and this year they had sent out another ship, the *North Star*, out upon the same quest. But this was not all. In one of the most eloquent letters which had ever been written by man or woman, Lady Franklin had entreated the President of the United States to send out an expedition in search of her husband and his crew. The reply of the President did equal honour to his head and heart, and, accordingly, the Government of which he was the organ had done that which no civilised government had ever done before—they had expended their own treasures, and risked the lives of their own people, in the attempt to rescue those hapless adventurers who had no national claims upon them. He might add that the Russian Government also had been pleased to direct two of their chiefs to proceed northwards along the eastern coast of Asia, to look after the missing vessels. Thus, three Powers, possessing the greatest extent of territory in the world, had been found willing to co-operate—not in schemes of conquest or aggrandisement, but in a philanthropic attempt to save the lives of gallant and devoted men—an effort, the existence of the spirit shown in which ought to go far to promote the cause which they were presently to hear advocated by the hon. Member for the West Riding.

Viscount **PALMERSTON** said, that his hon. Friend had only expressed the feeling of the House, and not only of the House but of the country, in alluding, as he had done, to the generous conduct of the Governments of Russia and the United States, in sending forth vessels to search for those enterprising navigators, of whom no intelligence had now been received for so long a period. Such expeditions were amongst the most honourable which maritime countries could undertake, and brought upon their originators a degree of glory which could never be achieved by the mere triumph of conquest.

Mr. DISRAELI hoped that the expression of the acknowledgment of the House of Commons of the practical sympathy with our unfortunate countrymen shown by the United States, would go forth, and would prove that this country was fully alive to the generous conduct of the President of that great nation. His hon. Friend the Member for the University of Oxford had alluded, in just terms, to the letter of Lady Franklin—a letter every way worthy of a sacred cause, an heroic husband—and he might add, that the reply of the President was a composition truly worthy of a statesman. Such an incident as the one in question was, in his (Mr. Disraeli's) opinion, much more calculated to promote good feeling between nation and nation than the phantasies which were now in circulation, and the political and international crotchets which would soon occupy their attention.

Subject dropped.

INTERNATIONAL ARBITRATION.

Mr. COBDEN, after presenting several petitions, said: Sir, I do not remember rising to address the House on any occasion when I felt more desirous to be indulged with their attention; because, representing as I do a very numerous body out of this House, who take a deep interest in the question, I feel regret on their account, as well as for the cause I have in hand, that there should be so much misapprehension in the House in reference to the Motion I am about to make. What has just fallen from the hon. Member for Buckinghamshire, is a proof of this misconception; for he would not have presumed to sneer at a Motion before it was made, unless he had conceived that there was something so unreasonable and preposterous about it that it ought to be condemned before it was heard. I have heard that hon. Gentleman indulge in a sneer before on many occasions; but they have been *ex post facto* sneers. I have never until now heard him sneer at a matter by anticipation. He has grounded that sneer on an observation drawn forth by a subject which was calculated above all others to move the milk of human kindness in our bosoms. How it was possible for an hon. Member, in reference to the answer returned by the American President to Lady Franklin's letter, to indulge in a sneer of that kind, I cannot understand; unless it be that the hon. Gentleman is incapable of anything but sneering. I accept those acts of the American and Russian Governments as proofs that we live in altered times. As the hon. Member for the University of Oxford has well observed, at no former period of the world's history has there been an instance of foreign Governments sending out, at a great expense, to seek for scientific adventurers unconnected with their own community. Accepting this as a proof that we live in different times from those that are past, I think there is nothing unreasonable in our seeking to take another step towards consolidating the peace of nations, and securing us against the recurrence of the greatest calamity that can afflict mankind. I stand here the humble representative of two distinct bodies, both of some importance in the community. In the first place, I represent on this occasion, and for this specific Motion alone, that influential body of Christians who repudiate war in any case, whether offensive or defensive. I also represent that numerous portion of the middle classes of this country, with the great bulk of the working classes, who have an abhorrence of war greater than at any former period of our history; and who desire that we should take some new precautions, and if possible, obtain some guarantees, against the recurrence of war in future. Those two classes have found in the Motion which I am about to submit a common ground—and I rejoice at it—on which they can unite without compromising their principles on one side or the other. It is not necessary that any one in this House or out of it who accedes to this Motion should be of opinion that we are not justified under any circumstances, in resorting to war, even in self-defence. It is only necessary that you should be agreed that war is a great calamity, which it is desirable we should avoid if possible. If you feel that the plan proposed is calculated to attain the object sought, you may vote for it without compromising yourselves on the extreme principle of defensive war. I assume that every one in this House would only sanction war, in case it was imperatively demanded on our part, in defence of our honour or our just interests. I take it that every one here would repudiate war, unless it were called for by such motives. I assume, moreover, that there is not a man in this House who would not repudiate war, if those objects—the just interests and honour of the country—could be preserved by any other means. My object is to see if we cannot devise some better method than war for attaining those ends; and my plan is simply and solely that we should resort to that mode of settling disputes in communities which individuals resort to in private life. I only want to carry out in another instance the principle which you recognise in other cases—that the intercourse between communities is nothing more than the intercourse of individuals in the aggregate. I want to know why there may not be an agreement between this country and France, or between this country and America, by which the nations should respectively bind themselves in case of any misunderstanding arising which could not be settled by mutual representation or diplomacy, to refer the dispute to the decision of arbitrators. By arbitrators I do not mean necessarily crowned heads or neutral States; though we have examples where disputes have been referred to crowned heads, and where their arbitrament has been eminently successful. There is a case where the United States and France referred a dispute to England—a case in which England and the United States referred a dispute to Russia—one in which the United States and Mexico referred a question to Prussia—and one in which the United States and England referred a case to the King of the Netherlands. These cases were all eminently successful. If one failed in its immediate object, there is no instance in which a war has followed from such a reference. But I do not confine myself to the plan of referring disputes to neutral Powers. I see the difficulty of two independent States like England and France doing so, as one might prefer a republic for the arbitrator, and the other a monarchy. I should prefer to see these disputes referred to individuals, whether designated commissioners or plenipotentiaries, or arbitrators, appointed from one country, to meet men appointed from another country—to inquire into the matter, and decide upon it; or, if they cannot do so, to have the power of calling in an umpire, as is done in all arbitrations. I propose that these individuals should have absolute power to dispose of the question submitted to them. I want to show that I am practical on this occasion; and therefore I will cite some cases in which this method of arranging difficulties has already been resorted to. In 1794 we had a treaty with America, for compensation for certain British claims on the American Government. Those claims were referred to four commissioners, two appointed on each side, with the proviso that they should elect unanimously an arbitrator: in case they could not agree in the choice of an arbitrator, it was provided that the representatives of each country should put the names of certain arbitrators into an urn, one to be drawn out by lot; and this arbitrator and the four commissioners decided by a majority all the cases brought before them. Again, in the treaty of 1814 with the United States, provision was made for settling most important matters precisely in the way I now propose. Provision was made for running the boundary between the United States and Canada, for some thousands of miles; also for defining the right to certain islands lying on the coast; and for running the boundary between Maine and New Brunswick. The plan was this: each country named a commissioner; the commissioners were to endeavour to agree on these disputed points; and the matters on which they could not agree were referred to some neutral State. All the matters referred to them—and most important they were—were arranged by mutual conference and mutual concessions, except the question of the Maine boundary, which was accordingly referred to the King of the Netherlands. Afterwards exception was taken to his decision by the United States; the matter remained open till the time of Lord Ashburton's mission; and it was finally settled by him. But in no case has any such reference ever been followed by war. In 1818 there was a convention with America, for settling the claims made by that country for captured negroes during the war. It was agreed to refer that matter to the Emperor of Russia; and he decided in favour of the principle of compensation. He was then appealed to by both the Governments to define a mode by which this compensation should be adjudged; and his plan was this. He said—

> "Let each party name a commissioner and an arbitrator; let the commissioners meet, and if they can agree, well and good; if not, let the names of the arbitrators be put into an urn, and one drawn out by lot; and that arbitrator and the two commissioners shall decide the question by a majority."

This method was adopted, and compensation to the extent of 1,200,000 dollars was given, without any difficulty. Hence it appears that what I propose is no novelty, no innovation; it has been practised, and practised with success; I only want you to carry the principle a little further, and resort to it in anticipation, as a mode of arranging all quarrels. For this reason, I propose an Address to the Crown, praying that Her Majesty will instruct her Foreign Secretary to propose to foreign Powers to enter into treaties, providing that, in case of any future misunderstanding, which cannot be settled by amicable negotiation, an arbitration such as I have described shall be resorted to. There is no difficulty in fixing the means of arbitration, and providing the details; for arbitration is so much used in private life, and is indeed made parts of many statutes and Acts of Parliament, that there is no difficulty whatever in carrying out the plan, provided you are agreed as to the policy of doing so. Now, I shall be met with this objection; I have heard it already; and I know there are Members of this House who propose to vote against the Motion on this ground. They say, "What is the use of a treaty of this sort between France and England, for instance; the parties would not observe the treaty; it would be a piece of waste paper; they would go to war as before, in spite of any treaty." It would be a sufficient answer to that objection to say, "What is the use of any treaty? What is the use of the Foreign Office? What is the use of your diplomacy?" You might shut up the one, and cashier the other. I maintain that a treaty binding two countries to refer their disputes to arbitration, is just as likely to be observed as any other treaty. Nay, I question very much whether it is not more likely to be observed; because I think there is no object which other countries will be less likely to seek than a war with a country so powerful as England. Therefore, if any provision were made by which you might honourably avoid a war, that provision would be as gladly sought by your opponents as by yourselves. But I deny that, as a rule, treaties are violated; as a rule they are fulfilled and observed. I do not find that wars generally arise out of the rupture of any specific treaty; they more commonly arise out of accidental collisions; and, as a rule, treaties are observed by powerful States against the weak, just as well as by weak States against the powerful. I, therefore, see no difficulty specially applying to a treaty of this kind, greater than exists with other treaties. There would be this advantage, at all events, in having a treaty binding another country to refer all disputes to arbitration. If that country did not fulfil its engagement, it would enter into war, with the brand of infamy stamped upon its banners. It could not proclaim to the world that it was engaged in a just and necessary war. On the contrary, all the world would point to that nation as violating a treaty, by going to war with a country with whom they had engaged to enter into arbitration. I anticipate another objection, which I have heard made. They say "you cannot entrust the great interests of England to individuals, or commissioners." That difficulty springs out of the assumption that the quarrels with foreign countries are about questions involving the whole existence of the empire. On the contrary, whenever these quarrels take place, it is generally upon the most minute and absurd pretexts—so absurd that it is almost impossible, on looking back for the last hundred years, to tell precisely what any war was about. I heard the other day of a boy going to see the model of the battle of Waterloo, and when he asked what the battle was about, neither the old soldier who had charge of the exhibition, nor any one in the room, could answer the question. I may quote the remark made the other night by the noble Lord at the head of the Government—that the last two wars were unnecessary—in which I quite agree with him. But, to return to the point whether or not commissioners might be entrusted with the grave matters which form the subjects of dispute between nations, I would draw the attention of the House to the fact that already you do virtually entrust these matters to individuals. Treaties of peace, made after war, are entrusted to individuals to negotiate and carry out. Take the case of Lord Castlereagh, representing the British Power at the Congress of Vienna. He had full power to bind this country to the Treaty of Vienna. When, on the 20th of March, 1815, Mr. Whitbread brought on the subject of the treaty, with the view of censuring his conduct and that of the Government, Lord Castlereagh distinctly told the House—

> "I did not wait for instructions at Vienna; I never allowed the machine of the Congress to stand still for want of my concurrence on important matters; I took upon myself the responsibility of acting; and if the interests and honour of England have been sacrificed, I stand here alone responsible."

I want to know whether as good men as

Lord Castlereagh could not be found to settle these matters before, as well as after, a twenty years' war? Why not depute to a plenipotentiary the same powers before a conflict as you give him after? For these matters can only be settled by empowering individuals to act for you; and let the Government instruct them as they will, a discretionary power, after all, must be left, when they are to bind the country in respect to the others. Take the case of Lord Ashburton settling the Maine boundary question in America. He had the power to bind this country to anything he set his hand to. No doubt he had his instructions from the Government, but he presents his credentials to the American Government, and is received by them as authorised to bind this country to any thing he agrees to do. All I want is, that this should be done before, and not after, engaging in a war—done to avert the war, rather than to make up the difference after the parties are exhausted by the conflict. Probably I shall be told that there are signs of a pacific tendency on the part of the Government and the country; it will be said that we are carrying out a pacific policy, and that there is no necessity for passing any resolutions to impose on the Government the obligation of giving us this guarantee. But I do not see that this is in process of being done. I do not see any proof, in the last five or six years, that the Government has been increasing in its confidence of peace being preserved, or gaining security for its preservation. In the last ten years we have increased our armed forces by 60,000; in the Army, Navy, and Ordnance, the expenditure has been augmented 60 to 70 per cent. From 1836, down to last year, there is no proof of the Government having any confidence in the duration of peace, or possessing increased security against war. I think the inference is quite the contrary. On the Committee on which I have been sitting, I have seen an amount of preparation for war which has astounded me; and I dare say other hon. Gentlemen would share my alarm at the state of things. But I confess, when I have looked into what we were doing in the way of provision of warlike stores, means of aggression, and preparations for defence against some foreign enemy, I have been astonished at the wasteful expenditure that is going on. What will hon. Gentlemen think when they know that we have 170,000 barrels of gunpowder in store? Besides that we have 65,000,000 of ball cartridges made up ready for use. ["Hear, hear!"] *and a laugh from the Protectionist benches.*] The public will not laugh when they read what I say. They will not join the hon. Members for counties opposite in laughing at this statement. We have 50,000 pieces of cannon in store, besides those afloat, and in arsenals, and garrisons, and batteries. There are 5,000,000 of cannon balls and shells in the stores, and 1,200,000 sand bags, ready for use whenever they are needed. There is a provision equal to three or four years' consumption of these articles in the height of the French war. You have, in barrelled gunpowder alone, a supply equal to nearly three years' consumption of that article in the height of the French war, and equal to fifteen years' consumption at the present rate—to say nothing of the 65,000,000 of ball cartridges. Does this look as if the Government thought we had made any great way in the preservation of peace? Is it the part of a country assured of peace to make all this provision against war? You have spent, in the last five or six years, on an average, twice as much in fortifications, in steam basins, in docks, in barracks, in means of aggressive and defensive warfare, as at any period since the peace; and my hon. Friend the Member for Montrose, who has looked much longer and deeper into those subjects than I have, believes it is more than was spent in the same time for those objects during the war. Since 1836, you have doubled the expenditure of the Ordnance department. It is in that department that the great increase takes place; because, in the progress of mechanical invention and the improvements made in the science of projectiles, it is found that the artillery and engineer corps are the arms of the service on which the fate of battles mainly depends. So, again, in the case of steam basins. A great discovery came to the aid of civilisation—the discovery of Fulton—which he and others probably hoped would be made contributory to the unalloyed improvement and happiness of mankind. What has been the effect in our case? We commenced the construction of a steam navy. I do not say whether it was necessary or not; but I want you to try and make it in some degree unnecessary in future. The Government continued to increase the steam navy until we had as much money spent in steam vessels of war as we had invested in our merchant steamers. I made this statement last year: I repeat it advisedly, as capable of the strictest proof. It was then received with incredulity and surprise by the right hon. the Chancellor of the Exchequer: some facts which I showed him afterwards rather staggered him; and I am now prepared to prove that when I stated the fact last year, it was strictly true that we had invested in steam vessels of war a larger amount than the whole cost of our mercantile steam marine; and you had far more expended in steam basins and docks for repair of those vessels than was invested in the private docks and yards for building and repairing private steamers. What are we to deduce from these facts? That instead of making the progress of civilisation contribute to the welfare of mankind—instead of making the arts of civilisation available for increasing the enjoyments of peace—you are constantly bringing these improvements in science to bear upon the deadly contrivances of war, and thus making the arts of peace and science itself contributory to the barbarism of the age. But will anybody presume to answer me by the declaration that we want no further guarantee for the preservation of peace? Will any one tell me that I am not strictly justified and warranted in trying, at all events, to bring to bear the opinion of this House, of the country, and of the civilised world, upon some better mode of preserving peace than that which imposes upon us almost all the burdens which war formerly used to entail? We are now spending every year on our armaments more than we spent annually in the seven years' war in the middle of the last century. Therefore, far from being deterred by sneers, I join most heartily and contentedly with those worthy men out of the House, who are inspired by higher motives than I can hope to bring to bear on this occasion, and which I could not probably so rightly urge as I do those which come within your province; but I join most heartily in sharing the odium, the ridicule, the calumny, and the derision which some are attempting to cast upon those advocates of peace, and of reduced armaments. But I want to know where this system is to end. I have sat on the Army, Navy, and Ordnance Committees, and I see no limit to the increase of our armaments under the existing system. Unless you can adopt some such plan as I propose—unless you can approach foreign countries in a conciliatory spirit, and offer to them some kind of assurance that you do not wish to attack them, and receive the assurance that you are not going to be assailed by them—I see no necessary or logical end to the increase of our establishments; for the progress of scientific knowledge will lead to a constant increase of expenditure. There is no limit but the limit of taxation; and that, I believe, you have nearly reached. I shall, probably, be told, that my plan would not suit all cases. I think it would suit all cases a great deal better than the plan which is now resorted to. At all events, arbitration is more rational, just, and humane, than the resort to the sword. In the one case you make men what they are never allowed to be in private life—the judge in their own case: you make them judge, jury, and executioner. In the other case, you refer the dispute to impartial individuals, selected for their intelligence and general capabilities. In any case, and under any circumstances, I do not see why my plan should not have the advantage over that now adopted. If I am opposed by supposititious cases, and told that my plan would not apply to such, I take my stand upon past experience, and will show you numerous instances where it would have applied. Nay, I am prepared to show that all the unavoidable quarrels we have had during the last twenty years—I mean those which could not have been avoided by any conduct on the part of our Government—all these might have been more fitly settled by arbitration than in any other way; and I will appeal to the right hon. Gentlemen on both sides of this House, who have filled the highest offices of Government, when such disputes have arisen, whether they would not have felt relieved from harassing responsibilities had they had this principle of arbitration to rely on in these cases? Take the case of 1837, when a dispute arose with Russia about the confiscation of a ship in the Black Sea called the *Vixen*. The noble Lord the Member for Tiverton was then Foreign Secretary. He knows very well that that vessel was sent to the Black Sea by a certain party, with a particular object; the affair was entirely got up. I was in Constantinople at the time, and knew the whole history of it. That vessel was freighted and sent to the coast of Circassia, for the very purpose of embroiling us with Russia; and immediately she was seized, there was a party in this country ready to raise an excitement against the noble Lord for submitting to the arrogant spoliation of the Russian Government. Had we then had an arbitration treaty with Russia, would not that have been the best possible resource for the noble Lord in that case, and have enabled him to escape the party attacks made upon him in this country? That question, which, after all, did not involve an amount of property exceeding 2,000*l.* or 3,000*l.*, might have been settled by a petty jury of twelve honest tradesmen quite as well as by the noble Lord in the Foreign Office. Will any one for a moment tell me that the disputes about the boundary between Maine and New Brunswick, and between our territory and that of Oregon, might not have been settled by arbitration? I prefer the appointment of commissioners to that of crowned heads; because I would have men who are most competent to judge of the subject in dispute. For instance, this was a geographical question: why should not the two ablest geographers of this country have met those of the United States, assuming them otherwise qualified by moral character and general attainments, and have been authorised to call in an umpire, if necessary? Supposing the case to have been left to the decision of such an umpire as Baron Humboldt, for example, would he not have decided far more correctly than any war would be likely to do? I know that the Oregon question caused the liveliest apprehensions to those negotiators who were engaged on both sides in this dispute in 1846. I am aware that Mr. M'Lane, the American Minister, felt the greatest solicitude, and manifested the deepest anxiety on the arrival of every packet; and I know how anxious he was that the right hon. Gentleman the Member for Tamworth should remain in office till the question was settled. I know what he felt, and what every Minister in a similar position must feel on such occasions. The great difficulty was lest party spirit and popular excitement should arise on either side of the water to hinder and perplex the efforts of those who were interested in its settlement. It is to remove that difficulty in future—to prevent the interposition of bad passions and popular prejudices in these disputes—that I desire to have provision made beforehand for the settlement of any quarrel that may arise by arbitration. There was another case in 1841, the danger from which was, in my mind, the most imminent of all—I mean the case of Mr. M'Leod, who had been taken and imprisoned by the State of New York, and tried for his life, for having, as he himself avowed, taken part in the burning of the *Caroline*, in which an American citizen lost his life. Our Government claimed to have this question decided between the general Government of the United States and themselves. But the Government of the United States said that they had not the power to remove the case out of the New York court, and that they could not prevent the State of New York proceeding in the matter. We all know the excitement which took place on that occasion. There was great irritation in America, and great excitement in this country. Now, if M'Leod had been executed, what would the consequence have been in this country? Why, the old cry of our honour being involved would have been raised. [An Hon. MEMBER: Certainly.] An hon. Gentleman says "certainly." But what means would you take to vindicate your honour? You would go to war, and for the one life that had been taken away, you would sacrifice the lives of thousands, nay, perhaps tens of thousands. But would all this sacrifice of human life restore the life of the man on whose account you were fighting? Would it not be much wiser, if, instead of resorting to war, which is nothing but wholesale murder, if war can be avoided—you had recourse to arbitration, by which, indeed, you could as little restore the individual to life as by the employment of all your military forces, but by which you might obtain a provision for his widow and family, and which, be it remarked, is no part of the object of those who engage in battle. Now there is another case upon which I call the right hon. Gentleman opposite the Member for Tamworth as a witness into court—the case of Mr. Pritchard, a missionary, and the consul of this country at Tahiti, who had been put under arrest by the French admiral. When this news first arrived in this country from a distance of 12,000 or 14,000 miles, the press both here and in France sounded the tocsin, and national prejudices and hatreds were invoked on both sides. The French Minister, M. Guizot, was told that he was going to succumb to the dictation of England; and in this country it was said that the honour of England was sacrificed to the insolence of France. The right hon. Gentleman the Member for Tamworth, then at the head of affairs, rose in his place in this House, and declared that the insult offered was one of the grossest outrages ever committed, and was inflicted in the grossest manner. That added to the difficulty of dealing with the question in the proper manner. M. Guizot and Lord Aberdeen both complained of the conduct of the press of both countries, which exasperated the national animosity on that occasion, and rendered it more difficult to settle the question amicably. I now ask the right hon. Gentleman, if he would not have felt consoled and happy in 1844, if a treaty of arbitration had existed between this country and France, by which this miserable and trumpery question might have been at once withdrawn from the arena of national controversy, and placed under the adjudication of a commission set apart for that purpose? I may be told that none of these instances had led to or terminated in war. That is true. But they led to an enormous amount of expenditure in preparation for war, and, what is still worse, to lasting hate between nations. I have no hesitation in saying that these disputes have cost this country 30,000,000*l.* sterling. They not only led to expenditure in preparation for war at the time, but they occasioned a permanent increase in your establishments, as I have shown you on a former occasion, and you are now paying every year for the increase of establishments which was then made. Now, I would ask, in the face of this House, where is the argument you can use against the reasonable proposition which I now put forward? I may be told, that even if you make treaties of this kind, you cannot enforce the award. I admit it. I am no party to the plan which some advocate—no doubt with the best intentions—of having a congress of nations with a code of laws—a supreme court of appeal, with an army to support its decisions. I am no party to any such plan. I believe it might lead to more armed interference than takes place at present. The hon. Gentleman opposite, the Member for Stafford, who is to move an Amendment to my Motion, has evidently mistaken my object. The hon. Gentleman is exceedingly attentive in tacking on Amendments to other persons' Motions. My justification for alluding to him on the present occasion is, that he has founded his Amendment on a misapprehension of what my Motion is. He has evidently conceived the idea that I have a grand project for putting the whole world under some court of justice. I have no such plan in view at all; and, therefore, neither the hon. Gentleman nor any other person will answer my arguments, if he has prepared a speech assuming that I contemplate any thing of the kind. I have no plan for compelling the fulfilment of treaties of arbitration. I have no idea of enforcing treaties in any other way than that now resorted to. I do not myself advocate an appeal to arms. But that which follows the violation of a treaty under the present system, may follow the violation of a treaty of arbitration if adopted. What I say, however, is, if you make a treaty with another country, binding it to refer any dispute to arbitration, and if that country violates that treaty when the dispute arises, then you will place it in a worse position before the world—you will place it in so infamous a position that I doubt if any country would enter into war on such bad grounds as that country must occupy. I may be told that this is not the time to bring forward such a Motion. I never knew a good Motion brought forward in a bad season. But it may be said that the time is badly chosen because there are wars on the Continent now. I quite disagree in that. Is there anything in those wars so inviting that we should hesitate before we took precautions against their recurrence? I should have thought, on the contrary, that what is taking place on the Continent is the very reason why we should take every precaution now. There were none of these wars, with the exception of that between Schleswig and Denmark, to which international treaties would apply; because they are all either civil wars or wars of insurrection and rebellion. This war between Schleswig and Denmark was an instance of the very insignificant means by which you could produce wide-spread mischief in this commercial age. Is there a case where the principle of arbitration in the persons of first-rate historians or jurists could be adopted with more advantage than in the case of Schleswig and Denmark? It is difficult to see how the dispute is ever to be settled by going to war, for one party being stronger by land, and the other by sea, there may be no end of the conflict. But see what mischief this dispute has occasioned to others. The blockade of the Elbe, the great artery of the north of Europe, has shut out their supplies, not from Schleswig, but from Germany. It has interrupted the commerce of not merely a small Danish province, but the whole world. The people of Schleswig, who have comparatively no manufactures, are not punished, but your fellow-citizens in Manchester, your miners in Northumberland, and the winegrowers of the Gironde, are punished. Mischief is done all over the world by this petty quarrel, which could be more properly settled by arbitration than by any other means. Let not people turn this matter into ridicule by saying that I want to make arbitration treaties with everybody —even Bornean pirates. Hon. Gentlemen may create a laugh by coupling together a Bornean pirate and a member of the Society of Friends. But I do not want to make treaties with Bornean pirates, or the inhabitants of Timbuctoo. I shall be quite satisfied as a beginning if I see the noble Lord, or any one filling his place, trying to negotiate an arbitration treaty with the United States or with France. But I confess I should like to bind ourselves to the same principle with the weakest and smallest States. I should be as willing to see it done with Tuscany, Belgium, or Holland, as with France or America, because I am anxious to prove to the world that we are prepared to submit our misunderstandings in all cases to a purer and more just arbitrament than that of brute force. Whilst I do not agree with those who are in favour of a congress of nations, I do think that if the larger and more civilised Powers were to enter into treaties of this kind, their decisions would become precedents, and you would in this way, in the course of time, establish a kind of common law amongst nations, which would save the time and trouble of arbitration in each individual case. I do not anticipate any sudden or great change in the character of mankind, nor do I expect a complete extinction of those passions which form part of our nature. But I do not think there is anything very irrational in expecting that nations may see that the present system of settling disputes is barbarous, demoralising, and unjust—that it is against the best interests of society—and that it ought to give place to a mode more consonant with the dictates of reason and humanity. I do not see anything in the present state of European society to prevent us from discussing this matter, and hoping that it may be brought to a satisfactory conclusion. I have abstained from dwelling on those topics which may excite the feelings of hon. Gentlemen opposite. I have not entered into the horrors of war, or the manifold evils to which it gives rise. I will on the present occasion content myself with the description of it by Jeremy Bentham, who calls it "mischief on the largest scale." I will leave these topics and that mode of handling the question to others who may discuss the matter, either here or elsewhere. I have stated clearly, explicitly, and in a matter-of-fact manner what my object is, in order that it may not be misunderstood. I have shown examples in which this plan has been adopted. All I want is that we should enter into mutual engagements with other countries, binding ourselves and them, in all future cases of dispute, which cannot be otherwise arranged, to refer the matter to arbitration. No possible harm can arise from the failure of my plan. The worst that can be said of it is, that it will not effect its object—that of averting war. We shall then remain in that unsatisfactory state in which we now find ourselves. I put it to any person having a desire to avert war, whether, when he sees that the adoption of this plan can do no harm, it is not just and wise to try whether it may not effect good? As it is likely to have that effect, in the opinion of nearly 200,000 petitioners to this House—as that is the opinion declared by 150 public meetings in this country—as it is the opinion expressed by members of several town-councils who calmly discussed this matter in their large boroughs—as it is the opinion of so many of your reflecting and intelligent fellow-citizens—will you refuse to them, under the circumstances I have stated, this the only mode that has been propounded of affording a guarantee against war, which we all equally deprecate?

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct Her principal Secretary of State for Foreign Affairs to enter into communication with Foreign Powers, inviting them to concur in Treaties, binding the respective parties, in the event of any future misunderstanding, which cannot be arranged by amicable negotiation, to refer the matter in dispute to the decision of Arbitrators."

Mr. EWART observed, that the American President, a military officer himself, had declared that he considered it perfectly consistent with the dignity and honour of nations, to have international disputes as far as possible settled by arbitration instead of war. This was a happy indication of the progress of the principles of the friends of peace in high quarters; and as the great mass of the religious feeling of the country was in favour of the Motion of his hon. Friend, he trusted the House would readily adopt it. He would not trouble the House further, but only say that he most cordially seconded the Motion.

Mr. B. COCHRANE said, that whatever might be the opinion of that House as to the merits of this proposal of the hon. Member for the West Riding, there could be but one opinion, he thought, as to the fact that he was most gloriously infelicitous in the moment he had selected for bringing this question forward. He remembered that on the 18th of February last year the hon. Member stated in that House that it was impossible that another French revolution could take place—and that he asked on the same occasion what possible motive France could have in another revolution such as that of 1793? But six days after the hon. Member made that remark in the House of Commons, the French revolution of 1848 broke out. And he would ask the House, therefore, whether the hon. Member could possibly have chosen a more inappropriate moment than he had done for introducing a proposition of this nature? In general, too, the hon. Member was himself the originator of those questions which he brought forward in Parliament; but in the present case he had been preceded by others. Those gentlemen who went the other day to Paris — Mr. Joseph Crisp and Mr. Lloyd and others—had stated to the President of the French Republic precisely the same arguments, from the Peace Society; and Mr. Lloyd on that occasion stated—to be sure, it was after he had been feasted at Boulogne—that there was so much good feeling manifested by the French party that he was almost persuaded that England and France were united by land. Now, the hon. Member disowned the Peace Society; but he (Mr. Cochrane) held in his hand the account of a meeting of that society—held, he believed, yesterday, in this metropolis, and at which the hon. Member for Manchester was present, and from that account it appeared that the Peace Society supported the views of the hon. Member who had brought forward this question, and that the hon. Member fully agreed in the principles of that society. They must, therefore, treat this question as that of the Peace Society, and they must, though the hon. Member would seem to disown his friends on that occasion, see what the objects of that society were. He found that the secretary of the Peace Society—who he was he did not know, though he was aware that its chairman was the hon. Member for Ashton, who had, as an emblem of the society to which he belonged, a little battery of guns before his house in the country—he found, however, that the secretary of the society said, at the meeting in question, that—

> "Three weeks ago, Mr. Elihu Burritt and himself were in Paris, and had had a long interview with the illustrious poet-statesman, M. de Lamartine—that he gave his full and cordial adhesion to the movement, and promised his assistance, first, as a Member of the Committee, to make arrangements for the forthcoming Congress in Paris, in August, and, secondly, as a member of the Congress itself."

The secretary further remarked that the

> "Peace Society would thus have an opportunity of compensating M. de Lamartine for the ingratitude of his fellow-countrymen, by making him the President of the World's Congress."

But this Peace Society had put forth many papers at various times, and it appeared from those papers that the system of arbitration had been long practised. Iceland and Norway had preserved peace for the last 600 years by means of arbitration. They alleged, too, that the Helvetic Union had preserved peace among its different members by the same means for many centuries past; but he (Mr. Cochrane) had always understood that the history of Switzerland from the formation of the Confederation had been the history of war. Who had not heard of the civil wars which arose between the different cantons in the 15th century, and of the wars at the period of the Reformation between the Protestant and Catholic cantons, when the inhabitants of seven cantons adopted the opinions of Calvin, and were opposed by the people of Soleure, Fribourg, and others? Nor would they forget the war of the peasantry which broke out in the 17th century, and, again, the renewal of the religious wars in the 18th. It was the internal discord prevailing in Switzerland which rendered that country so easy a prey to the Frence Republic; and no sooner was the treaty of Luneville signed, whereby the French troops evacuated Switzerland, than the old quarrels broke out again; the Pays de Vaud formed itself into a single republic, Zurich, Basle, and Schaffhausen renewed their allegiance, and Napoleon proposed himself as arbitrator; and if they turned to later times, had there not existed the same misunderstanding? What a moment, then, to bring forward a question of this nature. Why, they had a Foreign Secretary who was arbitrating everywhere. He was mediating in Denmark, in Sardinia, in Sicily, at Rome, and it seemed that he would accept almost anything for the sake of peace, for, for the sake of peace, the greatest principles had been sacrificed of late. He would say, uphold the policy of Mr. Pitt, who always laid down the principle that there were occasions, even where our interests were not at the moment directly involved, when it was necessary to assert certain rights, even though they led to war. The President of the French Republic said, the other day, in a most able public document—

> "It is the destiny of France to shake the world whenever she moves, and to calm it when she becomes quiet. Europe lays its repose or its agitation at our door. This responsibility imposes important duties upon us; it dominates over our situation."

This, therefore, was a most inopportune moment to bring forward this question, because it might be necessary to make an assertion of principles opposed to that system that led to anarchy in Europe. There was only one party that really sympathised with the hon. Member who had brought forward this Motion, and that was the Montagne party in France, who said that they would put the great barrier of democracy between civilisation and barbarism, and professed themselves in all their maxims in favour of universal peace. Between the Montagne there and the Montagne here, there was, he thought, a great similitude, for, whatever they said about peace, they seemed to act on the same policy, for they brought anything forward for the sake of agitation. He considered the proposals of the hon. Member as ill-timed, objectionable and ridiculous.

LORD R. GROSVENOR did not think the last speaker had grappled with the able arguments of the hon. Mover of this Motion. He (Lord R. Grosvenor) certainly was not ambitious of martyrdom, but he was perfectly willing to take his share with the hon. Member for the West Riding in any ridicule that might attach to those who were in favour of this Motion. The only exception, perhaps, that he might take to the speech of the hon. Member was, that he had brought forward the question in too warlike a manner. In the greater part of what had fallen from him, he (Lord R. Grosvenor) concurred; but there was one part in which he did not do so. The hon. Member had stated his horror at the immense military preparations made by this country, and narrated with a great deal of unction the quantities of shells and cartridges that were manufactured. He did not consider that that preparation was more than was necessary. Going through Belgium not very long ago, he visited Tournay, and on the gates of that town he observed the inscription — *Si pacem velis para bellum.* With that he agreed. The best preservation for peace was to be prepared for war, and until the world changed, it was absolutely necessary for this country to make such preparations. He was a member of the society for discouraging duelling, and the question had been brought forward in that House. It was met in the first instance much like the way in which the Motion of the hon. Gentleman the Member for the West Riding was now met; there were a good many smiles and nods, but the result was that in the following year a great alteration took place. The question was brought forward by Lord Hardinge, and the consequence was, that a system of arbitration fixed upon by him for the officers of the Army and Navy had since been acted upon. When any person wished to reform the world and make it better, people said to him, "you are no better yourself." That was the difficulty which discouraged persons from advocating opinions of this nature. The more the subject was discussed in that assembly, the more likely they were to influence public opinion, both there and elsewhere, and to fix upon some measure by which this dreadful scourge might be avoided. He did not think that the hon. Gentleman the Member for the West Riding of Yorkshire had proposed anything that was at all impracticable. He had quoted various cases in which arbitration was successful, and he was quite right in saying that in no one case in which arbitration had been resorted to had war followed. The very fact of the British Government authorising its foreign Minister to negotiate on such questions, would turn the attention of foreign Governments to the subject. If Great Britain gave a general expression to its feeling, it would be said they were sincere. Let the representatives of the people of this country state their desire for peace, and he firmly believed that the sentiment once prevailing, they would be able to effect what they all desired, namely, very great retrenchment in their public expenditure.

MR. MACKINNON said: Sir, I cannot but express my sentiments on this Motion, in which, in my opinion, the hon. Gentleman who made it, has acted in a manner to deserve the thanks of this House, of the country, and of Europe. The last speaker, the hon. Member for Middlesex, has alluded to the practice of duelling, and said truly, that in consequence of the disapprobation expressed by public opinion of the practice of duelling, a system of arbitration had been suggested some years ago, which although, of course, it ended in nothing, yet duelling was thereby discountenanced and thereby lessened; and I do not see why the hon. Mover's Motion should not have a similar effect. Although neither wars nor duelling can be entirely suppressed, yet, they may, by being discountenanced, be much lessened. It is a singular fact, that from the creation of the world wars have been prevalent among mankind. In the early ages these wars appear to have arisen from want of subsistence. One savage tribe occupying, say, 100 square miles, could barely (in a savage state without cultivation of the soil, existing merely on the scanty produce of the chace, or by fishing) find subsistence for themselves, much less for another tribe; hence arose a war of extermination between them: both could not exist, and, like two men on a plank in the ocean, which could only bear the weight of one, a contest would arise. The same remark holds as to the pastoral tribes and wandering hordes who migrated from place to place for fresh pasture ground: if two starving tribes met, both could not exist, and thence arose a war; not certainly justifiable, but excusable in some measure from their peculiar situation. In the middle ages we find wars mainly carried on by the ambition of the rulers, who, desirous to overrun other countries, were unmindful of the miseries they caused, both on their own subjects and on those they attempted to conquer. I will not refer to the early wars of bigotry, or superstition, by which so many human beings have been sacrificed. After the best consideration I can give the subject, I cannot but think, that in future, wars will not be so prevalent as they have hitherto been, for the following reasons, which I will state as briefly as possible to the House. The use of fire arms arising from the invention of gunpowder, has caused a complete change in the system of warfare. In days before the use of fire arms, the more numerous, hardy, and ferocious, a nation was, the greater was its chance of conquest: since the use of fire arms, the nation that has most wealth, and consequently, that is most civilised, has, *ceteris paribus*, greatly the advantage; for wealth procures those artificial means by which wars can be carried on with the best chance of success. Now, these nations—I mean civilised and wealthy nations—are at present in most cases ruled by a representative assembly, who have the influence over the finances of the State; and representative assemblies will not usually engage in a war, unless for the security of the nation, or for some great political advantage, because, in the present day, the system of warfare is so expensive, that most nations who go to war expend considerably more, and incur more expense, than the benefit they can obtain. It is a curious fact, that for the last three hundred years, France has been almost constantly engaged in hostilities: the mass of human life sacrificed, and of treasure thrown away, or uselessly expended in these continued hostilities, surpasses what can be imagined; and yet what has been gained by France for all this immense sacrifice of blood and treasure? The limits of her territory remain nearly the same, and no benefit whatever has been the result. The same observation, with little variation, may be made in reference to the contests in which England has been engaged in Europe: no territorial possessions on the continent of Europe have been gained. One cannot contemplate without regret the absurd expedition of Henry VIII. against Boulogne, or the various predatory excursions of former days, made by the English on the European Continent, which without any beneficial result whatever caused an immense loss of human life and of treasure. Let us hope such expeditions are at rest for ever. Now, in reference to the hon. Mover's Motion, I really cannot see that there is any objection to its adoption: it may do some good, and cannot, in my opinion, do much harm. One point in the Motion, or rather one difficulty, that suggests itself to me, is as follows. The hon. Gentleman, in his Motion, assimilates the arbitration between nations, to the arbitration between individuals who may have some cause of complaint against each other; but there appears to me a remarkable difference between the two cases. If A. and B., two individuals, have cause of complaint, arbitrators as an umpire are named, a rule of court is obtained, and the law will compel both A. and B. to obey the result or the award; but if an arbitration were given between two nations in Europe, and either refused to obey the award of the umpire, there would be no alternative but to go to war to compel such nation to pay obedience to the authority of the party named as umpire. I cannot, I confess, see how this difficulty can be obviated. I think, however, the hon. Gentleman's Motion will do good: it will show by its being mooted in this assembly—one that has probably more influence over public opinion in Europe and the world than any other assembly whatever—that a strong party exists in this country to promote peace and good will amongst the great family of mankind. For these reasons, I will cordially support the hon. Gentleman's Motion.

COLONEL THOMPSON said, he had instructions which he could not disobey, to endeavour to support the Motion of the hon. Member for the West Riding; and he should do little more than state the willingness with which he obeyed. He felt assured that nations, like individuals, would make improvements with respect to the application of rude force. An admirable parallel had been brought forward by the noble Lord who had lately spoken. Everybody knew, that in the present day, "gentlemen didn't fight," or if they did, it was only in accordance with the articles of the Church of England, at the commandment of the Magistrate. The argument on the inopportuneness of the time, might have some weight, if it was expected to produce the result this week or next. But the great thing everywhere was to begin; and he felt the confidence, that here was the beginning, and here was the beginner, of a great European and world-wide reformation.

MR. URQUHART, who had given notice of the following Amendment—

> "That to settle differences by any extra-national judicatory, would, if practicable, be the subversion of the independence of each State, and the extinction of the law of nations"—

said, that although the speech of the hon. Member for the West Riding had somewhat pared down the breadth of the original proposal, the present Motion would have his most determined opposition. The greatest argument of the supporters of the Motion seemed to be, that if it would do no good, it could do no harm. He (Mr. Urquhart) believed, however, that it would do great harm, because the establishment of such an extra-national judicatory would destroy the value of arbitration as it at present was practised, and establish nothing tangible and real in its place. But, if this tribunal were established, whether it was composed of crowned heads or of national assemblies, each must individually abdicate the right of judging what was best for each country. Such a power would extinguish in every nation its nationality; and how could a Minister be brought to account for any act when he could refer always to the decrees of a tribunal above those established by the constitution of his country? The hon. Member had reduced to an absurdity his own proposal, because he admitted that engagements under his arbitration would be as much likely to be broken as any treaty. Thus he proposed to place a nation which broke two treaties in a better position in the estimation of the world, than a nation that only broke one. The hon. Member for the West Riding was completely in the dark as to all that constituted the greatness and power of a nation. The conduct of the hon. Member offered a marked contrast to his present peaceful professions; he had never heard the hon. Gentleman's voice once raised, or his vote once recorded, against any of the acts of oppression of this and other Governments which he (Mr. Urquhart) and other Gentlemen had brought forward. The same reproach attached to every one of his supporters except the hon. Member for Montrose. Seeing that the hon. Member had disclaimed all intention of establishing an alliance to put down war by force—seeing that he had answered his own arguments, and exposed his own absurdities—seeing that he confessed his inability to propound a method of making treaties which should not be liable to be broken, and that his treaties were not likely to be more binding than other treaties—he (Mr. Urquhart) considered the proposition had become so utterly futile that he should not give the House the trouble of dividing on the Amendment of which he had given notice, and should therefore sit down without moving it.

MR. HOBHOUSE would support the Motion, although he had not heard the speech of any hon. Member on the subject, except that of the hon. Member for Stafford, which had not the effect of disturbing, in the slightest manner, the opinion he (Mr. Hobhouse) had previously formed. He wished shortly to state the reasons why he should support the resolution of the hon. Member for the West Riding. It was said the hon. Member, and those whose sentiments he spoke, aspired after an Utopia; but there was something worse than aspiring after an Utopia, and that was to wish to maintain all the abuses and crying grievances of the times in which we lived. He firmly believed that the greater portion of wars and conflicts had arisen from the want of such an arbitration as the hon. Member proposed. It was clear from the notes and protocols which were exchanged by diplomatists before an appeal to arms that each nation wished to place its cause in the right, in order to draw a veil over the horrors of war, and to save the national honour. If the dispute were referred to arbitration, the nation would be saved the pretext of declaring that the national honour required a resort to war. A nation might, it was true, resort to the sword after this arbitration had been agreed upon; but was that a reason why that House should decline to attempt to guard against these ill consequences and against the evil dispositions of our nature? He conceived that such a system, by which nations would have an opportunity of withdrawing gracefully from an impending contest, must be beneficial to the world generally. He considered such a principle would be highly useful to the noble Lord at the head of Foreign Affairs, in his management of our foreign relations, and that it would nerve his arm and embolden his heart in the cause of peace, not only on the Continent, but over the whole globe. He would ask the noble Lord at the head of the Foreign Department, whether he did not think that he would have found his power increased and his means of doing good augmented, and whether he would not have found it easier to recommend arbitration to the nations of Europe, if England had already bound herself to some such course as that suggested by the hon. Member for the West Riding? Example was better than precept, and it would be better for the House of Commons to lead the way in the practical manner suggested by the hon. Member, than to be talking for ever in favour of peace, without doing anything to promote it. No nation had attained greater lustre and more wide-spread glory in war, than the nation to which they had the honour and happiness to belong; and they were, therefore, peculiarly well qualified to lead the way in a course which would eventuate in the happy result of restoring to the other kingdoms of the earth that tranquillity and repose of which they had, by recent events, been deprived. It was worthy of their high reputation amongst the nations—it was worthy of the age in which they lived, of the civilisation and Christianity in which they had been brought up, and of their national greatness, that they should do everything in their power to return the sword to its scabbard, and to restore the world to harmony. He could wish to see the wise and pacific scheme of Henry the Great of France reduced to practice by the institution of a Congress of Nations, in which right and justice might be done to all countries—in which each nation should resign something of its individual independence for the common good of all—in which each State should stand in the position of a province with respect to the whole of Europe, and which should be in possession of sufficient strength not only to advise, but also to enforce, peace. He was well aware, however, that, in the present state of the world, such a project was visionary and impracticable, but that was no reason why he should hesitate to give his support to the next best measure that had been submitted to their consideration—the plan of the hon. Member for the West Riding—a plan which had been resorted to in the cases of Sicily and the United States, with the happiest results, and which, as the noble Lord at the head of the Foreign Department could attest, had never been had recourse to without working advantageously not only for England but for Europe. He did not fear to be called a visionary and an enthusiast, for he knew that that was a reproach to which the best and greatest men that had ever adorned humanity had been subjected. He felt obliged to the hon. Member for the West Riding for having submitted this proposition; and he exhorted him not to abate one jot of heart or hope, no matter what might be the result of the division, but to pursue his honourable course nothing daunted. Let the House of Commons take this step in the right direction, and they might rest assured that the enlarged enlightenment of the times would induce other nations to follow their example. It was true that arbitration had often been resorted to, and always with happy results; but it was highly desirable that the stamp of Parliamentary authority should be affixed to the system, and that it should not be left to the erratic discretion of the Executive. It was right that the House of Commons should, on this great question, make a profession of faith in the face of mankind, and that all nations should have a positive assurance that England, in recommending a pacific course to others, was determined to pursue it herself.

Viscount PALMERSTON: Sir, I beg to assure my hon. Friend the Member for the West Riding, that in rising to state my intention of opposing his Motion, I am far from wishing to speak either of the sentiments he has himself expressed, or of the opinions of those whose organ he is, with anything but the greatest possible respect. I entirely agree with my hon. Friend, and with those of whose opinion he has been on this occasion the organ, in attributing the utmost possible value to this Motion, and in feeling the greatest dislike, and I may say horror, of war in any shape. I will not go into those commonplace remarks which must be familiar to the mind of every man who has contrasted the calamities of war with the various blessings and advantages which attend upon peace. I cannot conceive that there exists in this country the man who does not attach the utmost value to the blessings of peace, and who would not make the greatest sacrifices to save his country from the calamities attendant upon war. And although I differ from my hon. Friend, and although I am not ready to accede to his Motion, yet I cannot say but that I am glad he has made that proposition, because it will be useful for this country and for Europe at large that every man should know that in this assembly, and among the vast masses of men of whom we are the representatives, there is a sincere and honest disposition to maintain peace. But that which I wish to guard against—the impression that I wish should not be entertained anywhere, either in this country or out of it—is, that while there is in England a fervent love of peace, an anxious and steady desire to maintain it, there should not exist the impression that the manly spirit of Englishmen is dead—that England is not ready, as she is ever, to repel aggression and resent injury, and that she is ready to defend her rights, although she never will be found acting aggressively against any other Power. Sir, it would be most dangerous indeed to the interests of peace, that a contrary opinion should prevail. I can conceive nothing that would bring more into jeopardy the peaceful relations of this country, than that an idea should prevail among foreign nations that we are so attached to peace that we dare not make war, and that, therefore, any aggression or any injury may be safely ventured against English subjects, because England has such a rooted aversion to war that she will not repel it. That is the principle on which I differ from the observations made by my hon. Friend, when he condemned those provident supplies—so I may call them—for military defence, which, he said, he had found by his examination in a Committee above stairs had been laid up in store by this and the last Government. I quite agree with those who think that it is a useless expenditure of the public money to keep in pay an excessive number of men, either by sea or by land, beyond what the existing service of the country may demand, on an imaginary expectation of future and contingent hostilities. I think that is a wasteful application of the public money; but I cannot go along with the hon. Member in condemning that provident provision of things which cannot be created at a moment's notice—which would be necessary if we were called on to defend ourselves from foreign aggression—and the absence of which, if known to foreign countries, would form an incitement and temptation to commit wrong against this country. Therefore I think that a Government acts wisely and prudently when they gradually, and without overstraining the burden on the country, lay up a store of those things which may be wanted on the first outbreak of war, if it should unfortunately occur, and which must be provided beforehand, while they abstain from useless augmentations of men, which can be raised when the emergency arises, and in a short period would be just as effective as if they had been longer in military training. Sir, I cannot agree with the proposal of my hon. Friend, because I think it is founded on an erroneous principle, and that it would be impracticable if attempted to be carried out. My hon. Friend comes to his conclusion by an analogy which he draws between private life and the intercourse of nations. He says, in the ordinary transactions between man and man, what is so common as an agreement between individuals, that in the event of disputes occurring they shall be referred to arbitration? It is very true that is a common and very advantageous practice; but how stand these individuals? Why, if the sentence of arbitration is not conformable to the opinion of both parties, there is a higher and superior authority—the authority of some legal tribunal, which enforces concurrence; to that tribunal the parties previously agree to submit, and it is this superior force that gives value and efficacy to the agreement for arbitration. But my hon. Friend at once perceives, and fairly acknowledges, that that element is wanting in the machine by which he proposes to settle international differences;

and, unless we have recourse to the plan of my hon. Friend who spoke last for a general tribunal of nations, with a military force to compel compliance with its decrees, it is plain that the arbitration of my hon. Friend the Member for the West Riding would, in truth, simply, and in most cases, resolve itself into mediation, that is, the proposal by a third party of an arrangement of differences between two other parties. Hon. Members ought not to lose sight of the distinction, which is frequently forgotten, between arbitration and mediation — arbitration consisting in the pronouncing of a final decision by a third party, which is to be binding on the other two; mediation consisting in the good offices of a third party to bring about, by the consent and acquiescence of the other two, an amicable termination of differences that may have arisen between them. Now, Sir, my hon. Friend is so internally aware of the difficulty attending the practical execution of his own idea, that he has been obliged to abandon that which most persons imagined to be his plan.

Mr. COBDEN: I beg pardon. I never altered or abandoned my Motion in the slightest degree.

Viscount PALMERSTON: I will not say my hon. Friend has abandoned, but he has been obliged not to propose, what many persons, myself included, imagined to be his plan—namely, that the court of arbitration should consist of some foreign Government or Governments: in turning over the matter, and bringing it to a practical bearing, he has found it necessary to substitute commissioners taken from private life. Now, Sir, it is obvious that that which would be to any person thinking of this matter for the first time the natural arrangement—and whenever the principle of my hon. Friend has been acted upon the plan that has been fully practised—is that of making the arbitrator the Government of some foreign State. The plan of my hon. Friend, so far as I am aware, has never been attempted. It is perfectly true that there are cases in which arbitration has been resorted to, but in those cases the arbitrator chosen has been a Sovereign or a Government; in no case has final arbitration been consented to resting on private individuals. What are the reasons why my hon. Friend abstained from that proposal which was generally expected to come from him on the present occasion? My hon. Friend who has just sat down said, that it would be a very desirable thing if a European tribunal could be composed that would act invariably on the principles of justice and of right, which would always give equitable decisions, and which, of course, should have force to compel acquiescence in its judgments; but unfortunately the world is not yet come to that happy state of things. If you could find the Governments of Europe all perfectly just, perfectly impartial, perfectly disinterested, and, by the possession of these qualities, competent to form the tribunal my hon. Friend imagines, why, such a tribunal would supersede itself; because, if all Governments were perfectly just, impartial, and disinterested, they would settle any little disputes that might arise between their respective subjects without having recourse to the extreme of war, which this tribunal was intended to prevent. But, unfortunately, it so happens that in the present imperfect condition of human nature, Governments, like individuals, are actuated by unfounded and suspicious jealousies of each other—by that which, in men, is called covetousness, which in nations is called ambition — by interested motives of various kinds, interests conflicting with each other; and it is a matter so difficult that it may almost be deemed impossible to find, in a quarrel between two nations, a third party whose judgment each of the two contending parties would place confidence in. If you were to propose to the Governments of Europe to enter now, to-day or to-morrow, into a prospective agreement that in cases of difference they would submit their disputes to any third party to be named now or to be named afterwards—if the engagement were that the third party should be named now, you never would get them to consent; and if the engagement were to name the third party when the dispute arose, you would have made very little progress towards the establishment of your arbitration. There is one case where a dispute arose between this country and the Government of the United States, with respect to the Maine boundary, which was by the Treaty of Ghent submitted to arbitration. My hon. Friend would have said, "You only want geographers for such a purpose; two members of the Geographical Society have only to draw the line, and there it is." But my hon. Friend can hardly imagine how much time elapsed before we could come to any agreement as to the choice of the Sovereign who was to be the arbitrator in that case, which certainly is not a happy illustration of the results of arbitration; because the King of the Netherlands, having been chosen by the two Powers as arbitrator in that difference, did, after a very long period of time, pronounce an award, which the United States, not finding suitable to their notions of the terms of reference, refused to submit to; the matter was left in a worse condition than before the arbitration began; and if that arbitration did not lead to war, I can assure my hon. Friend it was no merit of the principle of arbitration, but only because the two Governments were mutually inspired by a most intense desire to settle the question without having recourse to arms. Well, then, I say, if my hon. Friend had proposed, as men generally thought he intended to propose, a court of arbitration, to consist of some third or foreign Governments, the answer would have been that the mutual jealousies of Governments, the rivalry of conflicting interests, the—I was going to say—intrigues, but the hostile policy of nations towards each other, would make it, I am satisfied, perfectly impossible to bring countries to acquiesce in the prospective arrangement; and I, for one, must say, it would be dangerous to the interests of this country to submit the vital rights and interests of England to the chances of a decision by the judgment of any foreign Power. Well, but my hon. Friend very wisely steers clear of that difficulty, and proposes the appointment of commissioners. I am not sure that I quite comprehend the proposal of my hon. Friend, but he will correct me if I am wrong. I understand him to propose that a treaty should be made containing a stipulation that, in the event of differences, each Government should name commissioners of its own to discuss the point at issue, and that they, either before they met, or after they met, should name some third person not in the employment of either Government; but a man of science, or a man in private life, to be the arbitrator between the commissioners in case they should not be able to agree. That, so far as I understood, was the manner in which the proposal of my hon. Friend was to be carried out. Now, Sir, if it is objectionable, as I think it is, to commit the interests of a great country to the decision of what may be a rival Power, upon matters of vital interest, or upon matters concerning most important and essential rights, I must say my objection to submit such matters to the arbitration and final decision of a third party would not be removed by substituting for a Government, which at least is a public and responsible body, persons irresponsible, and taken from private life. At all events, a Government acts in the face of the world; it is accustomed to deal with matters of the kind submitted to it for decision; but if you take a man from private life he is perfectly irresponsible in any public way; his habits and pursuits may have been very different from those that would qualify for the decision of questions submitted to him; in my humble opinion almost all the same objections would apply, and other objections apply, which would not apply to a Government. There was one instance, to be sure, to show that these learned men are not always persons who are the readiest to come to a decision on a simple matter. There is one well-known problem the difficulty of solving which is universally acknowledged. No one denies the difficulty of finding the longitude. But if a man be required to ascertain the latitude of any given place, or the position of any parallel of latitude, it is deemed to be a very simple process. Now, by the Treaty of Ghent, the commissioners appointed to settle the boundary dispute, were to trace a line which should coincide with or come within a specified distance of a certain given parallel of latitude. Of course it will be said that nothing could be more easy than that; nothing was easier, it might be said, than to appoint two geographers as two commissioners, who would at once determine the matter, it being the simplest thing possible; they had only their boundary to mark along the line indicated by the treaty: that was precisely the sort of thing that suited the views of my hon. Friend the Member for the West Riding—nothing seemed easier than to find two learned men such as he would elect, and put them at once to find the parallel of latitude. But it so happened that there was not a chance of agreeing upon any such point, for one maintained that the parallel was to depend upon calculations commencing at the centre of the earth, and the other that the computations were to be made from the centre of the sun; they were, therefore, as far apart as the earth from the sun—they were further than the poles asunder—they were unable to agree about that which might be settled at once by any one who was able to set a village sundial. Neither Baron von Humboldt nor Professor Tiarcks, who was associated with him in the undertaking, could arrive at any satisfactory result. [MR. COBDEN: The question is settled.] True, but not by geographers. However, I feel assured the House will agree with me when I say that it would not be safe to trust such interests as those, or at all events such interests as usually give rise to differences between nations—it would not be safe to leave them to arbitration; and, though the matter was eventually settled in the usual way, I do think that the case is less of an example to be followed, than of a beacon to be avoided. Then my hon. Friend says there is nothing new at bottom in the proposition which he has made to the House, for he says that the powers which we were accustomed to give to negotiators we might in future give to two commissioners, one to be appointed by either nation concerned, giving them power to call in a third as final arbitrator; and my hon. Friend instanced the case of Lord Castlereagh, who, on behalf of this country, attended the Congress of Vienna, and took a part in the transactions which occurred on that memorable occasion. Lord Castlereagh was there enabled to say *adsum qui feci;* he might say he had done it; he was there upon his own responsibility, at least to a considerable extent upon his own responsibility, for Lord Castlereagh at that time held the office of Secretary of State for Foreign Affairs. But here it may be necessary for me to mention a matter well deserving to be borne in mind during the discussion which now occupies the attention of the House. It is this—that no person goes out from this country, or usually from any other, with full powers in the strict sense of those words. Some discretion may be left to him, but he does not go out with full and entire discretion—quite the contrary. Every Minister Plenipotentiary receives instructions. He is always told what he may agree to and what he may not, and he has opportunities, of which Ministers often avail themselves, to send home for further instructions. As long as he confines himself to his instructions he may proceed with some degree of confidence; but the Government by which he is accredited are still not finally bound by his acts, and everything that an Ambassador does he does subject to the approbation of the Government which he represents. It is perfectly competent to that Government to disavow the acts of the Minister whom they have sent out as an Ambassador, and to disavow and reject all that he has done, if they think it expedient so to do; and a striking example has been furnished in the occurrences of the past week of the exercise of this power. It is, therefore, quite a mistake to suppose that, according to the present and prevailing practice, Governments are at the mercy of their envoys; nothing is binding upon a Government unless it be in strict accordance with communications made to other Governments in the precise words of the instructions. A treaty may be signed and concluded, but it is of no value without ratification, and this sort of provision is necessary in order that no Government may be bound by the indiscreet or unauthorised act of any of its agents; and therefore if an envoy should go against his instructions, the arrangements he may make are of no value beyond the paper on which they are written. Therefore do I state that my hon. Friend the Member for the West Riding makes an admission that his plan is new in principle. The House will not have forgotten that my hon. Friend quoted several cases of international transactions; but he did not succeed in making out the case which he appeared to think was necessary for his purpose. The cases which he mentioned were not cases of arbitration but of mediation, or else they were cases of no mediation at all, settled neither by arbitration nor by intervention—such as those which he mentioned between Russia and England, and the case also of the *Vixen*. In the boundary case it seemed as if there had been some show of arbitration; but it was notorious that in that case arbitration failed; and when arbitration had totally failed, the parties concerned settled the matter for themselves in the usual manner: and let the fact not be overlooked, that the Oregon question was settled in pretty nearly the same way; at all events it was not settled by geographers, in the manner that my hon. Friend would propose. If it were to have been so settled by geographers, I confess I should not very much envy the gentlemen who might be employed upon such an undertaking; for I believe there can be no doubt that the district through which they would have had to penetrate is one of extraordinary wildness and difficulty, where the means of subsistence are hardly to be obtained. Now, the case of the *Caroline* was a remarkable one in reference to the question of arbitration, and it was one of those few cases in which it was manifest that it would be unavailing to arbitrate. It was not a case of dispute between this country and the United States, for the federal authority of that Government was not sufficient to meet the exigency of the case. The Government of the United States said they were sorry for what occurred, but they had no power to interfere—the supreme Government of the United States possessed no power over the local authority or government with which the dispute arose. Now, if we in that case possessed a treaty of arbitration, of what use would it be to us? For the Government of the United States would repeat its declaration that it could not interfere with the local government. They would say, "We are very sorry, but we can obtain you no redress from the State of New York." Your principle then of arbitration would be of not the least avail in such a case; it leaves you precisely where you were before the introduction of such a plan. The cases then which my hon. Friend has quoted, are cases in which the principle of arbitration proved useless, or they are cases which have been settled by the ordinary authorities, or they are cases of mediation in which a friendly Power has exercised its good offices, as in the sulphur question with France, or they are cases settled in the usual way after arbitration has wholly failed. I do think, however, and I have always thought, that when two nations have had any difference capable of being settled by arbitration, it is most desirable that they should allow a third party to come in to assist them in the good work of making a satisfactory arrangement—it is at all times most desirable that a third party not actuated by the same passions which heat those immediately concerned, should step in, and bring the disputants to something like a compromise; for in all such cases there must be an arrangement in the nature of a compromise—there must be a giving and taking on both sides, for neither party in such cases can expect to get all that he may reasonably or fairly demand, and all such negotiations should therefore be entered upon in a spirit of accommodation and mutual concession, with a view to prevent an appeal to arms, and with a view to open the door to that kind of negotiation which may lead to peace, in the course of which the Ministers engaged on both sides may receive from their respective Governments fresh instructions, in which answers may be received, in which remonstrances may be made, further replies given, and thus a long time elapses before any actual rupture occurs, and before recourse is had to that appeal which arms alone afford. In the course of those proceedings opportunities occur for one or other of the parties to obtain the opinion of a third nation friendly to both, and having no private or separate interest to promote. A nation so circumstanced may, I think, well offer its mediation, and I have incurred no small amount of obloquy, and perhaps ridicule also, on the ground that I have been too forward to offer mediation in such cases as those which I have just been describing. But I confess that I feel perfectly easy under the influence of such attacks, for I feel quite persuaded that the goodwill, at least, manifested in such attempts cannot fail eventually to be appreciated, and that in cases where England has nothing either to gain or to lose, a sincere desire to prevent war must, sooner or later, be attended with beneficial results; and I cannot help thinking that it must be most satisfactory to my hon. Friend the Member for the West Riding, and to those who support his Motion, to know that mediation has been of much more frequent occurrence of late years than in times past; but those hon. Gentlemen must, at the same time, bear in mind that the principle of arbitration is not applicable to the present state of Europe. Wars are now proceeding in various parts of the Continent, blood is being shed, lives being sacrificed; but these occurrences do not arise from international wars. It is to civil wars that they must be imputed, and, except in very rare instances indeed, the intervention of foreigners, or third parties, or arbitrators, would be either impracticable, or, if possible, might be mischievous; and it must be obvious to every one that the kind of war now prevailing on the continent of Europe is not the species of hostility to which the principle of arbitration can be applied. In those wars, however, I am happy to be able to perceive striking evidence of the improved civilisation of the people of Europe—evidence not only of improvement in the Governments of Europe, but of advancing civilisation amongst the masses of the people. If such events as have recently taken place in Europe, had occurred half a century ago, we should have had not only civil wars, but conflicts between nations of the most fatal character—fatal alike to prosperity and civilisation. It is consoling, then, to see that great masses of men, instead of standing forth as the aggressors of their neighbours, confine their disputes to their own territories, to the communities to which they properly belong, and to their own internal affairs. It is gratifying to think that they have not been led into warfare with other nations, either by feelings of ambition or by any different description of impulse. I hope, then, that now sufficient proof has been given that we should not advance the interest of nations by recognising the principle for which my hon. Friend contends, at the same time that I cannot find fault with him for introducing this question, or for affording an opportunity for the expression of that general feeling which animates Members of this House upon the present occasion. The cultivation of that feeling forms a great example to the rest of Europe—it tends to inspire not only Governments but nations with the sentiments which my hon. Friend feels and has made known to the House this evening; and I conceive that it will take away nothing from the force of those sentiments, but rather add to their influence, when I say that ever since the year 1825 down to the present period, the practice of mediation has been preferred by many Governments, and several cases have arisen in which it has been advantageously adopted. I believe that the present Government, and any other which may succeed to the task of conducting the affairs of this country, would feel it not only their duty, but their pride, to avail themselves of every occasion when they think they can do good by softening the asperities between conflicting Powers, and by effecting between Governments and countries that may differ, an amicable settlement of their disputes, either without war, or by shortening war if war should unfortunately arise. The proposition of my hon. Friend, however, is not one to which I can advise the House to accede. I do not quarrel with the principle upon which it is founded; but I think its practical effect would be dangerous to this country, and that its practical adoption by other countries would be impossible. Indeed, I believe that no country would agree to such a proposal. No country would consent blindfold to submit its interests and its rights on all future occasions to the decision of any third party, whether public or private, whether Governments or men of science; and I think, therefore, the proposition is one which would be attended with no possible result as regards foreign countries. I confess also that I consider it would be a very dangerous course for this country itself to take, because there is no country which, from its political and commercial circumstances, from its maritime interests, and from its colonial possessions, excites more envious and jealous feelings in different quarters than England does; and there is no country that would find it more difficult to discover really disinterested and impartial arbiters. There is also no country that would be more likely than England to suffer in its important commercial interests from submitting its case to arbiters not disinterested, not impartial, and not acting with a due sense of their responsibility. For these reasons it is not in my power to assent to the Motion. I should, however, be sorry to meet it in a way that might, even by misconstruction, be considered as negativing the principle upon which it is founded. I shall not, therefore, propose a direct negative, although that is the mode which, according to the usual practice of the House, ought to be adopted by those who differ from my hon. Friend. The "previous question" is not technically applicable to this case; but the previous question being the most courteous mode of disposing of such a Motion as that before the House, and one less liable than any other to the imputation — however unfounded it may be — of negativing the principle of peace, which is the foundation of my hon. Friend's proposal, I beg leave to move the previous question.

MR. MILNER GIBSON said, that the noble Lord the Secretary of State for Foreign Affairs, in his closing remarks, had shown much less hostility to the Motion, than in the earlier parts of his speech he had manifested. He confessed to having felt a little alarm when he heard the noble Lord declare the proposal to be erroneous in principle and impracticable; but he was relieved when the Foreign Secretary had so qualified his opening remarks as to remove the fears that he was hostile to the principle of his hon. Friend's Motion. The noble Lord first created giants, and then slew them when he referred to a congress of nations — for that plan was not proposed by his hon. Friend — and when he talked of the securities which were daily being given for the maintenance of peace, how was that declaration to be reconciled with the fact that such enormous and costly precautions against war were taken, and defended by the noble

Lord upon principle? The House had been told that lengthy and prolonged correspondence and negotiations always ensued between two foreign Powers in case of a misunderstanding previous to their having recourse to hostilities. If the case were so, his hon. Friend the Member for the West Riding might rest satisfied that there could be plenty of time found for warlike preparations, and, consequently, that there was no necessity to keep up such an enormous stock of ball cartridges ready made. The noble Lord had not met the question. He had laboured like a waterlogged vessel. To what did his arguments amount? Merely to the assertion of what nobody denied, namely, that arbitration had its defects. True. But would fighting do better? Vattel was of opinion that arbitration was conformable to reason and nature; and though arbitrators might err, it was better to risk these errors than trust to the chances of war. Fighting settled nothing. Look at the last war with America. That arose out of the claim of England to take British sailors out of American ships; and after fighting, it was agreed to settle the dispute by the Treaty of Ghent, wherein not one word was mentioned of the original subject of dispute which occasioned the war. So that if the question as to the right of taking British sailors out of American ships again arose, it might, for ought that the Treaty of Ghent said, have to be fought over again. It had been said that the awards of arbitrators could not be enforced when given, because there was no binding power existing by which it could be made compulsory. The same might be said of all international law and all international treaties; and yet both were held good and observed. So entirely was the law of nations held to be good and binding amongst the different States of Europe, that when a new maxim of international law, established by usage, became incorporated into the text-book of the law of nations, all eagerly adopted it and followed it out. There were many instances, namely, freedom to merchants, security to persons of ambassadors, and the abolition of the practice of making one alien responsible for the debts of another alien entirely unconnected with him. The noble Lord had said that it had become more and more the practice of nations to settle questions which might arise between them by arbitration. If this were the case, why not embody the principle, as in other instances, in treaties, and thus get an additional security for peace? His noble Friend objected to the proposition as involving a prospective engagement, and declined to pledge himself to submit all great questions of difference between nations to the opinions of arbitrators. He thought if there was one merit more than another in the proposition of his hon. Friend, it was that arbitration should take place before an angry correspondence took place, and the passions of contending parties were aroused on a particular case—when they could view the subject with a calm and dispassionate consideration, and were not embarrassed by any previous angry diplomatic negotiations. He confessed it appeared to him that his hon. Friend's proposal was anything but impracticable, for it was simply asking the House to promulgate that general question, which he certainly was not afraid to promulgate, that the relations between nations ought to be based upon maxims of justice. Then if that were so, and if nations could afford to regulate their conduct to each other upon those maxims, he saw no objection that could be entertained for one moment against the system of arbitration; but if, on the other hand, it were the object of nations to undertake wars of aggrandisement and conquest, which had nothing to do with right, reason, or justice, then, indeed, he should doubt whether it would be possible to guide such relations by the arbitration suggested by his hon. Friend. Prepared, however, as he was to maintain that a proper national policy was totally apart from such views, and that the happiness and strength of the nation was not increased by mere schemes of conquest, he was not afraid, as an Englishman, that any national question in which this country might be interested, should be submitted to arbitrators, who, he had no doubt, would settle the question at issue on principles of international law, founded on maxims of universal justice. But this was the difficulty; for his noble Friend seemed to think that there might be questions which were not to be settled by an appeal to justice; and, if we looked back to the wars which this country had undertaken, we might perhaps see some reason for such an apprehension. Nothing, indeed, could be more humiliating to us than to think how utterly vain was all that long war, entirely of our own seeking, with France. Opinion remained still the same, and all the efforts we had made to coerce opinion proved wholly futile. In a certain public journal of great weight, this Motion of his hon. Friend's had been attacked as Utopian and ridiculous. He was not in the habit of quoting from newspapers, but, in this instance, he wished to answer the *Times* by itself; for it was too bad to be made a convert of one day, and then have your principles denounced as Utopian the next. In the year 1846 the *Times* said:—

> "Above all, there is one achievement before us, without which every other must be insecure and of questionable value. It remains for the most powerful, the bravest, and the freest people of the globe to proclaim and establish the virtue and beauty, the holiness and necessity, of universal peace; and that they will proclaim it in due time, we entertain no doubt. It has already occurred to the thinking masses of this great country, notwithstanding the humanising creed which we profess, the civilisation that we boast, and the increased intelligence of all classes of the population, that the ferocity of warfare is as brutal to-day as in the remotest times of savage ignorance; that the Christian and the heathen are, to all intents and purposes, one and the same when they meet as destroyers on the battle field; and that what we call the glorious victories of British arms, are scarcely to be distinguished from the butcheries of barbarous ages that we pity, and of more barbarous fighting men whom we think proper to condemn. And it must be so. You cannot redeem under any circumstances the naked and horrid aspect of war, the offspring of brutality, and civilisation's adopted child. War in itself is a mighty evil—an incongruity in a scheme of social harmony—a canker at the heart of improvement—a living lie in a Christian land—a curse at all times. We confess that we regard with infinite satisfaction every endeavour, come whence it may, to destroy the supremacy of a cruel deity acknowledged on every ground. Kings who preach to their subjects the advantages and sacred character of peace, are more than kings. Men who unite to promulgate the same doctrine, feeble instruments though they be, and liable to ridicule, claim respect for their mission."

In that beautifully-written article, the editor quietly said that his hon. friends of the Peace Society, feeble though their efforts might be, and though men might attempt to cast ridicule upon them, were nevertheless entitled to respect for their exertions; and was it to be credited that in a country which had entered into a crusade against the slave trade, and against other abominations, the furtherance of peace was not to be included amongst their philanthropic designs, since he hesitated not to say that the horrors of war exceeded even the horrors of the slave trade. The right hon. Gentleman at the head of the Board of Control had entertained the House not long since with a recital of the heroic deeds of our generals and soldiers in India. Let the House hear a letter on the other side of the question, written by an officer, dated February, 1849, from General Gilbert's camp:—

> "Up to this time not a single shot had been fired from the village, although the troop had been up to within musket range of it. It seemed to all appearance empty. Suddenly, just as the two guns had got to the left of it, it seemed to spring into life. From every wall and hut, from thousands of loopholes, from the tops of the houses and trees in its centre, volleys of musketry were poured at the line; it is a wonder the two companies were not annihilated, which they would have been had not the whole line advanced to their support. Fordyce's four remaining guns went past our right at a gallop and unlimbered, and had scarcely time to pour in one round of grape, when we were past him again. I looked at the village; it seemed alive, and our men, catching sight of the heads above the walls, poured in a volley, and rushed on. The left wing of our regiment came on the village, but found there was a deep ditch in front, full of water. Before you could say Jack Robinson, Rifles, Light, and No. 7 came round to our side, and were over the walls in a second. There were upwards of 3,000 men in this village; and as soon as they saw our men on the walls, they turned to run, but their numbers stopped them, for the streets were very narrow, and there were horse and foot mixed up together; so our men had nothing to do but get upon the walls and shoot them like dogs. Just then, Boyd was struck by a round shot in the inside of his leg, which made him sick for a moment. He, however, was assisted on to the top of a house by Sergeant Long; and he tells me he never could have imagined such a sight as he then saw. The enemy were in thousands trying to escape, and our men knocking them over like dogs. Their own guns, as soon as they saw our men in the village, opened upon it, not seeming to care much about their own troops. Boyd tells me there was one yard which was full of men, horse and foot, and there was only a small door for them to get out of, which was blocked up by one of their men falling down in it. Our men got round the walls, and killed almost every soul in it. * * * The most heartrending sight of the day was one I witnessed in a tent I entered. There, on the ground, bleeding to death, lay a young mother. Her leg had been carried off by a round shot, and the jagged stump protruded in a ghastly manner through the mangled flesh. She held a baby to her breast, and as she bent over it with maternal anxiety, all her thoughts seemed to be of her child. She appeared totally regardless of the agony she must have been suffering, and to think of nothing but the poor infant which was drawing its nourishment from her failing breast."

Those were some of the scenes which were witnessed on those fields of glory, but which were never mentioned when they were called upon to vote thanks to the distinguished generals and officers engaged—against whom he brought no charge, because they only performed their duty, though he arraigned the system which made it necessary to engage in those terrible transactions. He would recommend two things to be done with the view of lessening the inducements to war. In the first place, he would abolish the system of privateering—a system which, whilst it had tended to make war popular amongst many parties in this country, was nothing less than piracy of the very worst description. It was a system of the grossest robbery in gangs; and he declared his conscientious belief that no description of robbery for which we executed a man upon the public gallows, exceeded in atrocity that system of privateering. Again, he would abolish the system of prize-money; for he believed that that also was a great inducement to war. With regard to privateering, we had a direct precedent for the abolition of that system. There was a treaty proposed to foreign countries by the United States, signed by three of the most eminent men the United States ever saw, Adams, Jefferson, and Franklin, by which, in any future wars between the two countries, the cultivators of the land, fishermen, merchants, and merchantmen upon the high seas, should be protected from the attacks of privateers. That proposal was accepted by Prussia, and was inserted in the Prussian treaty of amity and commerce with the United States. He did not know whether this country had refused so reasonable an offer; but he believed that it had been made to us, and that we had rejected it. It was remarkable that the President who had proposed that treaty was himself a soldier eminent in arms; and that America, of all countries, was said to have the greatest interest in privateering, on account of the close contiguity of foreign colonies to her shores. Yet America was the country to propose to this and to other foreign Powers a treaty for the abolition for ever of that horrible system of privateering. He must just add a few words with regard to the case which had been cited. In the Maine case, he believed that it was proposed by the United States to submit the question to certain learned men; but that proposition was entirely objected to. Then the cases of the *Vixen*, the *Caroline*, Oregon, and Tahiti, were settled in the ordinary way. But let him refer to the Oregon for a moment. Directly that dispute arose, we increased our armaments; but the United States did nothing of the kind, for they had full confidence in being able to settle the question by arbitration and reason. We went to settle the matter with an armed force at our back, and that demonstration, he had no doubt, had increased the difficulty of such a settlement being speedily arrived at. Those were cases which the noble Lord said were susceptible of being settled by arbitration. They had been arranged in the ordinary way; but if his hon. Friend's proposition had been in force, there would have been no apprehension of war, and no necessity to have applied to that House for increased armaments. He did not see the hon. Gentleman the Member for Essex in his place; but let him say one word as to the sort of tradition supposed to exist amongst country gentlemen with regard to the effect of war upon prices. That was a point on which he believed the country gentlemen were a little maligned. There might be, perhaps, a hot-headed man here and there, who would say at a market ordinary that he wished we had a good war so as to raise prices; but he did not think that that was a fair representation of the landed gentry of this country. He cautioned the landed gentry not to be misled upon this point, for war could never have the same effect upon prices in future that it had had hitherto. The navigation laws were now repealed, and, in case of war being declared, neutral ships could freely bring corn to the united kingdom. Suppose war were to arise between England and Spain, or England and Russia, or England and the United States, there would now be no barrier to the free importation of corn. And, in the second place, it had been laid down distinctly, and would not be denied, that free ships made free cargoes, and that a neutral ship would have a full right to carry produce, except to a blockaded port, into any of the contending countries. If that were so, they might depend upon it that any future war would not have that effect upon prices which past wars had had. He must remind the House also, that it would be impossible in future to increase our indirect taxation, as had been done hitherto. If England were to fight, the property of England would have to pay exclusively for the fighting; and they might rely upon it that the property of England, being unable to shift the burden upon other shoulders, would be slow to embark in future wars. That circumstance afforded another great security for peace, and was an additional reason why many would not be backward in supporting the Motion of his hon. Friend for inserting into every treaty a clause providing for the settlement of national disputes without reference to the sword. He wished that his noble Friend had assented to this Motion, and had not moved the previous question; for, had he taken such a course, it would have been a great satisfaction, and a great example to the world at a time when there existed so much want of knowledge, and so small a recognition of the principle that international disputes ought to be decided by justice and not might. If there had existed a better understanding in the world of the true principles which ought to regulate the conduct of nations to each other, we should not have witnessed the recent expedition of France to Rome—an expedition with which he was glad to hear from his noble Friend the Government of this country had no sympathy. We had been suspected of having given some sanction, direct or indirect, through our Government to that expedition—naturally so, from the persevering calumnies which have been cast upon M. Mazzini and the Roman triumvirate by some portion of the public press. He had the pleasure of knowing one of these gentlemen, M. Mazzini, and he had read with scorn and indignation the attacks made on him. It no doubt had thrown some suspicion on the conduct of the Government, when the public saw such attacks, and there had been no contradiction. The Government had taken no step to disavow any share in the intervention.

VISCOUNT PALMERSTON observed, that he had not previously been asked for any explanation.

MR. MILNER GIBSON had not stated that his noble Friend had been questioned. From the time when the letters of Mazzini were opened, the conduct of England had been regarded with suspicion, and she had been accused of lending herself to the attacks on that gentleman and other parties. In conclusion, he thanked the House for the patience with which it had listened to his rather discursive speech.

MR. ROEBUCK said, the right hon. Member for Manchester commenced his speech by saying that he was exceedingly sorry the noble Lord opposite had moved the previous question on the proposition of the hon. Member opposite; I am sorry also that the noble Lord had so concluded his speech, but the right hon. Member for Manchester must permit me to say, that if he was sorry at the conclusion o fthe noble Lord's speech, I was exceedingly grieved to hear the speech of the right hon. Gentleman from the beginning. There was nothing in that speech that in any way whatever assisted the great principle of my hon. Friend the Member for the West Riding; there was a smallness, a littleness, in the whole view which the right hon. Member for Manchester took, which was not in accordance with the large and general philanthropy which has given rise to the proposition of the hon. Member for the West Riding. Amongst the many speeches to which I have listened in Parliament—I say it without the least desire to flatter the noble Lord the Foreign Secretary—to none have I listened with such unmixed pleasure as to the speech of the noble Lord himself. The conclusion, however, to which he came was, I think, not justified by the premises; but there was throughout the speech itself an enlarged, general, and statesmanlike view of the whole relations of this country with foreign nations. There was also in the words of the noble Lord—I am not going to say that all the acts of the noble Lord were in accordance with his speech—there was in the declaration of the noble Lord a large spirit of benevolence and peace; he placed it in the vanguard of all he said; he declared himself to be the advocate of peace, and, as far as I could understand the reasoning of the noble Lord, he in every way justified the statement in relation to his own policy. I am not about to enter into a discussion of the noble Lord's policy in the various particular cases; all I have got to do is to enter into a consideration of his argument with respect to the proposition of the hon. Member for the West Riding, and to ask the noble Lord if the decision to which he has come—which, he will forgive me for saying, was an evasion of the question—was worthy the noble commencement of his speech. What was it? I should have supposed it to be a most admirable defence of the proposition of the hon. Gentleman. The hon. Member for the West Riding must have felt that his proposition was going, by the feelings of mankind, in the right direction; that he had no anticipation that the proposal he was making would avoid every possible evil, but that he was about to give the sanction of this House and of this country to a great principle of international law. I take that to have been the sole object of my hon. Friend in his proposition. I do not approve of the right hon. Member for Manchester giving us an exhibition, as he would have done in Exeter-hall of the dangers and horrors of war,—pointing out how a woman suffered, and how a child at her breast suffered misery. Why, Sir, we all acknowledge the misery of war. There is not one of us that is not just as much alive as the right hon. Gentleman to all the atrocities to which war of necessity leads mankind. We only ask ourselves if there be any mode which rational civilised man can adopt which shall avoid the horrors which we all of us acknowledge. You do not aid our deliberations by confusing us, by applying to our sentiments of compassion. My compassion is just as alive as that of the right hon. Member, but I wish to put that entirely out of view on the present occasion, and keep my mind clear on the consideration of this question, not heated on the one hand by individual misery, nor excited on the other by national antipathies. I have to deal with a question of great difficulty submitted to us all, and I ask the noble Lord the Foreign Secretary if he would not have read a more solemn lesson to nations at large if he had affirmed the proposition of my hon. Friend than by endeavouring to evade it as he has done? I appeal to the noble Lord, and ask him whether it would not be much wiser, more beneficent, much bolder, and therefore the much easier course, to affirm the resolution? That is my belief. I believe he would have given to mankind a good lesson, and it is on that ground that I support the Motion of my hon. Friend the Member for the West Riding. I have no belief that war is immediately to cease. I have no utopian notions that mankind is immediately to assemble together, and all be rational beings. Why, Sir, my dealings with this House cannot lead me to that conclusion. I do not expect that mankind are about to cease from war. I do not expect that the passions of uneducated men will at once be submitted to reason, but I do say that most educated classes in the country have laid down a rule for themselves, and have asked others, the most educated of other nations, to adopt that rule. We take the best means which our imperfect nature permits us to adopt to prevent the recurrence of those dire evils to which our imperfect nature subjects us. What is the proposition? The hon. Member for the West Riding says there are many difficulties, many disputes that arise between nations. Now let us, standing on the very vanguard of civilised nations, say to the rest of mankind, we are willing to forego all the advantages which our great strength gives us; we are willing to forego all the great and necessary superiority which our power and skill confer upon us; we, who of all the nations on the earth, in the present state of the knowledge of mankind, may be considered to be most free from assault, with all our strength and power, are the first to forego all these advantages, and to ask mankind to settle by an appeal to reason, and to entirely disinterested parties, any question that may arise between us and other nations. That is the sole proposition of my hon. Friend. And just see how that is met by the noble Lord. He says, "I feel the strength of your proposition. I acknowledge the value of the principle which you support, but I think there is danger with respect to our interests, and therefore I do not negative your proposition;" and then the noble Lord proceeded to do that which he will permit me to say I have never seen done in this House, and never known done in the history of this House, but under circumstances in which persons who have moved the previous question have been ashamed of putting the question. [Lord PALMERSTON: "No!"] What is the meaning of the previous question? It says to the House, this question in reality is true, the principle which you affirm is true, (and the noble Lord felt this difficulty when he made the explanation,) but this is hardly applicable, and I am going to move the previous question. The previous question admits the principle, but says this is not the proper time to affirm it; and that is the meaning of the previous question. Now, I ask the noble Lord if this is not just the time to affirm the proposition of my hon. Friend? Let us look at the state of the world, and see if this is not just the time to affirm the proposition. Recollect that the noble Lord admits the principle, and all that he asks the House to determine is that this is not the time to affirm this true principle; but he never states why it is not the time. I am about to discuss the proposition of the noble Lord himself. I am not about to discuss the proposition of my hon. Friend. I accept the truth of the principle, as he has done, and I am about to fix the noble Lord to the point he has raised, by moving the previous question, whether or not this is a good time to admit a principle which he has acknowledged to be true. Recollect, I am not to be driven from the proposition, and I fix the noble Lord to that. I see that the noble Lord, the Member for the city of London, feels the force of what I am saying; he shakes his head; he objects to placing it on that ground, but I want to know how the noble Lord will get out of the difficulty? He feels it as well as I do at this moment. I can see the side play as well as the open play, and I know that the noble Lord, from his knowledge of Parliamentary tactics, is the first clearly to understand the position in which he is placed. I want to know if this be not the time to affirm the general proposition? What is the proposition? We acknowledge, as I have already said, the evils of war; we acknowledge the tendencies of mankind, their ignorance, their prejudices, their passions, their desire to go to violence and force rather than to arbitration. We know that every now and then nations and individuals lose their temper and appeal to arms, instead of common sense, to decide their differences. I will take a case which the noble Lord is familiar with; he has mentioned it particularly to-day; let us take for example the instance of the *Caroline*, which I think the noble Lord wisely took, in support of the proposition. The case of the *Caroline* was peculiarly the case of a nation, or part of a nation, losing its temper. The Government of the United States never lost its temper. The Government was in unison with our country, and both Governments knew completely that this was just one of those difficulties arising between two sections of their own nations; but the two Governments, if left to themselves, would have no difficulty in arranging the matter. Then, says the noble Lord, that is peculiarly the case which shows that the arbitration of appeal to a third party would have been exceedingly unwise. I do not say that you did not arrive at the proper conclusion by diplomacy, but I do say this, that that is not a case to be brought against my hon. Friend as a proof that diplomacy was right and that arbitration was wrong. That was peculiarly a case in which you would have had no difficulty if you could have submitted it to a third party. But then, says the noble Lord, arbitration has been employed between England and that nation which is at this moment exhibiting to the world the wonderful phenomenon of a self-governed people. Now, as that country had a dispute with us, it was referred to the King of the Netherlands, who gave his decision in our favour. I am delighted to see the movements of the noble Lord—the Motion of the noble Lord's hat, like Lord Burleigh's nod, expresses a great deal. What was the result of the decision of the King of the Netherlands? America objected to it, and so did we. They neither of them liked the decision; but the Americans took the initiative in the objection, and now the noble Lord threw out as an objection to them, that they rendered the arbitration null. We both of us were ready to repudiate it.

Lord PALMERSTON: No, we accepted the decision.

Mr. ROEBUCK: Yes, but I do not say why we accepted it; I rather suspect we did it because the United States said they would not. Is that any objection to arbitration? Not at all. It is an objection to the conduct of nations that will not submit themselves to arbitration. I know that the sword is the last resort of all nations, and there is no possibility to avoid the necessity, if the necessity comes; but what I want is to set the example of the proposition to all nations, that we shall as much as possible avoid the necessity of war. It is nonsense to tell us this is foolish utopian expectation. I do not believe wars are to cease at all, and if the noble Lord were to admit the proposition of the hon. Member, I do not believe we should have any less chance of war amongst less instructed people; but I do believe that by the gradual influence of the instructed and more civilised mode of settling disputes, we should induce other nations to come into our views of the policy of mankind. But let us appeal to what mankind have done among the nations of old. In Greece it was the practice to kill their prisoners of war. If any one went in those days to an Archon of Athens, or an Ephor of Sparta, and have asked him to spare his prisoner's life, he would have been met by the clamour of the whole Athenian Demos, or the indignation of the Laconian people. But there was an improvement in that respect. The nations had arrived at a further stage of civilisation—without arbitration, as an hon. Member observed, certainly,—but was that any reason why they should not take the next step? When the right hon. Member for Manchester adduced the horrors of the Indian war as proof or authority on this question, he (Mr. Roebuck) laughed at the right hon. Gentleman's argument. It could not produce any effect on the mind of any one in the House, and it ought not to produce any effect on the mind of the noble Lord. Would it not be well, instead of dwelling on such topics as these, to see whether they could not make the reason of mankind its arbiter instead of its force? Why, did we laugh or lament that Vattell and Puffendorf and Grotius had no influence over the councils of nations? Do we mean to say that in the courts of justice, and in this House, these great expositors of the common sense of civilised Europe have no influence upon our councils? [An hon. MEMBER: "Very little."] Very little, says the hon. Gentleman, and what is the proposition of my hon. Friend, but to make his sort of lamentation hereafter unnecessary, by giving them the force which he laments they have not? What is the proposition of the hon. Member but to give their principles a force which it was admitted they ought to have? Living at a much later period, they ought to follow the path those authorities had pointed out, and adopt and adhere to rules which for the interests of mankind could not be too soon adopted, or too faithfully adhered to. I will ask the hon. Gentlemen on the Treasury bench, and more especially the noble Lord, to consider what influence this night's debate may have upon Europe. Europe is not accustomed very nicely to estimate the different views of the different Members of this House. But the speeches which are here delivered go forth as speeches delivered in the greatest assembly of Europe in the present time; and I speak it with great national pride, when I say that the House of Commons occupies that place. We are at the head of a powerful and peaceful people; we have not amongst us any divisions that lead in the slightest degree to any anticipation of disturbance or weakening the force of this nation by any differences among ourselves. We represent — I say it in the face of certain Gentlemen here—a united people; and the force of their expressions of popular opinion is to be estimated not by the worth of the individual who gave them breath, but by the greatness and power of the community. It is not one man who speaks, but the House of Commons which speaks through him—such must be the feeling when Europe reads that which has been discussed. If it has gone forth that there is a Member of this House who proposes that the nations of mankind should adopt a civilised and rational mode of arranging national disputes, and that the proposition is sanctioned by the chief men of the nation, selected to be at the head of the councils of the people, can you hide from yourselves that such a proposition, so supported, will read a moral lesson to the now combative, confused, and miserable people of Europe, such as by no other means the House of Commons could by possibility have adopted to affect the general mind? But the noble Lord has lost the glorious opportunity; and it cannot be said of him, as it had been of another statesman, that all his efforts and counsels were directed to advancing not only the liberties of mankind, but their rational civilisation. I regret that the noble Lord has not taken the opportunity which the proposition affords to read a lesson to nations which in their present condition they most seriously needed. I could not but think that at the present moment the name of this country has been employed, and has only been partially withdrawn from such a use, but has been employed as a means of sanctioning such proceedings in Europe as are a disgrace to humanity—proceedings with which the name of a Napoleon has been associated. I should have been glad if the noble Lord had taken an opportunity of marking his dissent from so base an attack on a people struggling for their liberties, and saying that he separated the name of this country from such associations, and contended under the banner of civilisation and peace; asking Europe to contemplate how nations the most powerful were willing now to appeal to reason and be guided by the precepts of justice.

MR. MONCKTON MILNES: Whatever might be the fate of the proposition of the hon. Member for the West Riding, or of the Motion of the noble Lord the Foreign Secretary, the most remarkable phenomenon of that evening would be the debate itself. It would go forth to Europe that that night had been spent in what he believed to be the very first attempt to submit such a proposition as that of the hon. Member for the West Riding to such an assembly, and that it had been most seriously and ably debated, whether it was possible in future to dispense with the necessity of war amongst the civilised nations of Europe by a system of arbitration. He believed that the hon. and learned Member for Sheffield had put an unjust interpretation upon the proposition of his noble Friend the Secretary of State for Foreign Affairs, that this question of the hon. Member for the West Riding should not be decided in the negative, but by the previous question. The hon. and learned Member for Sheffield had stated that the moving of the previous question was always a proof of cowardice. Was it cowardice to say, "I admit your principle, but I do not admit your application of it; I admit that, in what you have said generally and theoretically, there is much in which I must agree; but, if you put it in your present shape, there are circumstances and details which prevent me from consenting to it"? He (Mr. M. Milnes) conceived that that was the meaning of the previous question, and that that was the meaning of his noble Friend the Secretary of State for Foreign Affairs. His noble Friend had admitted that he agreed in almost all the fundamental principles laid down by the hon. Member for the West Riding. Hon. Gentlemen had talked of the horrors of war, but there were things worse than war. It was worse than war for a country to be deprived of its independence, and to sleep for centuries in degradation and slavery. It was worse than war for Italy to be what she now was; it was only through war that she could become what he hoped she would yet be; and he did not believe that there was one hon. Gentleman in that House who did not join in his hopes for Italy. He conceived that there could be no doubt of the desirableness of establishing the principle contended for by the hon. Member for the West Riding of Yorkshire; but he agreed with the noble Lord that that was not the moment when arbitration could be practically carried into effect. This was a proposition which they could not carry out separately, but must be carried out in accordance with another; and he would ask the hon. Member for the West Riding what country there was at the present moment in Europe with which it could be practically carried out? No doubt, if the noble Lord wrote on the subject to the French Government, he would receive a very civil answer; but could they believe that, under present circumstances, they could do anything more than receive that answer. Then, again, if they turned to Russia, they would find that country sending a large force into Hungary; and could they hope to assist the latter Power by arbitration in their noble and sacred struggle for liberty? He would not ask his noble Friend the Secretary of State for the Foreign Department how the proposition would be likely to be received by the Government of Spain, though he hoped the time was not far distant when they would be in a position to introduce the question to that Power. The most ardent sympathies are with the cause, and he thanked the parties who had originated the agitation—if it could be called agitation—for so sacred a cause; but he could not vote for the Motion, as he could not see that it could be practically followed out, though he believed that the debate would do good, by showing to the world that the people of England were alive to the advantages of peace, and the futility of war.

Mr. HUME thought that the course taken by the hon. Gentleman who had last spoken, of approving of the Motion, and yet expressing his intention of voting against it, a singular one. [Mr. M. Milnes: "I shall vote for the previous question."] Voting for the previous question involved an admission of the principle of the Motion. He was glad to find his noble Friend the Foreign Secretary admitted his entire concurrence in the principle of the resolution, and believed that benefit would arise from the expression of individual opinion in that House in favour of that principle. But, if that were so, how much more important would it be to the world generally, if they had the sanction of Her Majesty's Ministers and the House of Commons unanimously expressed in favour of his hon. Friend's resolution, and which, after the speech of the noble Lord in favour of the principle, they ought to have. He (Mr. Hume) was greatly pleased that this debate had taken place, because of the declaration made by the noble Lord, and which he hoped would be conveyed to every part of the habitable globe, as calculated at once to remove the impression that very generally prevailed that the noble Lord was more disposed to breed discord and excite enmity than to promote peace. They had now the avowal of the noble Lord himself that he had employed the power of his office to promote friendships, to settle disputes, and to prevent war; and he (Mr. Hume) was, therefore, surprised that the noble Lord, in the example he could give to other powers, could for a moment hesitate to give force to the principle he took pride to himself for promoting. Looking to the extent of the commercial relations of this country, it was most important that it should maintain its friendly intercourse in all parts of the globe; for, however trifling or small the State, a quarrel with it, or between it and another State, might be attended with great disadvantage to this country. The present unfortunate dispute in Denmark was an example of that. But he considered the question conceded by the noble Lord. He only complained that, contrary to his admission, he was throwing difficulties in the way, and checking the means of doing that good which he himself had taken pride in having done. Whether it was to be effected by mediation or arbitration, all his hon. Friend wanted was to prevent war, and which, seeing the influence we possessed amongst nations, he thought we might occasionally do. His noble Friend, in reply to his hon. Friend the Member for the West Riding, said, that of late years great progress had been made in the art of settling quarrels without war; that during the last twenty years many quarrels had been settled by mediation, which would formerly have had to be settled by force of arms. If his noble Friend was correct in that, as he (Mr. Hume) believed him to be, how did he and his Colleagues reconcile with it the keeping up now of a larger military establishment than when nothing short of war would have settled the disputes to which he referred? Either they did not speak honestly what they thought, or they were acting inconsistently with their opinions and declarations. He was very glad to hear that Europe and the rulers of Europe were now more disposed to listen to reason and the principles of justice than in former days. The inference he drew from that was, that, standing as we did in the enviable position of being in no danger from invasion, we were the very country that ought to set the example of lessening the incentives to war, by lessening our war establishment. He would exemplify his idea upon that point. In 1844, when a trifling dispute arose between an Englishman holding the joint situation of missionary and consul, and a French naval officer, instead of settling it by a commission of arbitration, or by mediation as proposed by his hon. Friend's resolution—instead of English and French meeting cordially and quietly settling the dispute, the First Lord of the Treasury came down to that House, and declared that it was necessary to increase our naval force because the French had increased theirs; and accordingly an expense of nearly 1,000,000*l.* was incurred in order to fortify the whole south-eastern coast of England through fear of that dispute not being amicably settled. If his hon. Friend's resolution had been passed before that time, they might have avoided all that expense. The Secretary of the Admiralty, too, upon that occasion, defended the amount of the estimates, upon the erroneous ground of being prepared for war. We had actually prepared for war, and by that preparation risked a war; which risk, and the expense it incurred, might have been avoided if the system proposed by his hon. Friend had then been in operation. Take the case of the United States. About 1,000,000*l.* was added to the naval expense in consequence of the threats held out on the subject of the disputed boundary. During a long Parliamentary life that was the only occasion upon which he ever approved of the preposterous armament required by the Government of this country, and then recommended by the right hon. Baronet the Member for Tamworth. He did so, because he conceived there was a disposition on the part of America to bully and trample on us; and that the only way to meet that disposition was by the measure of the right hon. Baronet. But when Lord Ashburton was sent out as a commissioner, he, with Mr. Webster, settled the dispute; and so praiseworthy did he think his conduct, that, in opposition to the opinion of the Minister of the day, he moved that the thanks of the House be given to him, because he thought they should honour those who promoted peace as well as those who successfully conducted a war. Lord Ashburton told him that he had exercised his own discretion upon some points where he thought the interests of the country required it; and he believed that no man in the country could have effected a settlement of that dispute, unless he had exercised a discretion. Just see what were the consequences of war. Whenever reference was made in the House to the enormous load of taxation, the noble Lord asked, would they meddle with the national debt?—would they, by reducing taxation, risk the public credit? He (Mr. Hume) had never let fall a phrase that was not in favour of the national honour and the national faith. He believed that a breach of the national faith would be attended with the most disastrous consequences. He looked to other modes of relieving the taxation of the country. He believed that timely concession on the principle of common justice to our fellow-countrymen in our American colonies might have prevented the whole of the differences which took place between those colonies and the mother country. There was an addition of 120,000,000*l.* to the national debt on account of the American war, which would be a millstone about our neck as long as we retained our national honour. 20,000,000*l.* were added on account of the French war. At this moment we were paying between 28,000,000*l.* and

29,000,000*l.* of interest on a debt contracted solely for the support of unnecessary wars. This was a source of suffering to every individual in the community. Hence every step that could be taken to diminish the possibility of war ought to be readily taken by the Government of this country. In the course of this debate there had been no argument whatever against the Motion; and he conceived the argument in its favour would convince the public at large of the immense evil inflicted on the country by war.

LORD J. RUSSELL: Sir, I had hoped that the speech of my noble Friend the Secretary of State for Foreign Affairs had been so clear and explicit on this subject that he would not have been liable to misconstruction as to the sentiments which he expressed to the House. But I find, Sir, that those who have followed him, instead of answering his arguments, instead of addressing themselves to his objections, have totally misconceived the nature of those objections, and, as I think, also the purpose of the Motion before the House. My right hon. Friend the Member for Manchester has thought it necessary to state his opinions at large with respect to the evils of war. With respect to these evils there is no question whatever in this House. No party in this House will stand up and say that war is a good in itself—that the bloodshed which it causes is a blessing to the country, or that the taxes which it imposes produce wealth or content. No party maintains any such paradoxes; and, therefore, the greater part of the speech of my right hon. Friend was inapplicable to the present debate. But my hon. Friend who spoke last, misconceiving likewise, as I imagine, the question before us, says that the question before us is, whether by arbitration or by negotiation we ought not to prevent war? Now, Sir, that is not the question before the House, because on that point likewise we are all agreed. Whether by negotiation, or whether in certain cases, if arbitration be advisable, that means should be taken to prevent war—on that point we are all entirely as one. And I think we may point to the history of the present generation in proof of the assertion that we have assiduously endeavoured to prevent war, and that chiefly by negotiation; which, however, is not the Motion of the hon. Gentleman the Member for the West Riding, or the question before us. My hon. Friend the Member for Middlesex, indeed, charges certain Members of this House with instigating the war of 1793; and I am not quite sure if he would not accuse some part of us with fomenting the American war. But the real fact is with regard to the present generation. I think, taking the different Governments that have succeeded each other, that we have been remarkably free from blame on the ground of forwardness in promoting the evils of war. Consider the various questions that we have had pending with great and powerful nations of the world — questions that have been alluded to in the course of this night — the question of the *Vixen*, with respect to Russia — the questions of the Maine boundary, of Oregon, of the *Caroline*, and Mr. M'Leod, with respect to the United States of America — the question with respect to Syria, and the Pritchard indemnity, with respect to France. All these were questions exciting in themselves, and provoked at the time great popular feeling both in this country and in the nations that had to settle and arrange these questions conjointly with us. And yet, under the different Governments that had succeeded each other—without saying that the one was more pacific or more inclined for war than the other—all these separate questions have been met and discussed, and decided; the danger of war has passed over, and with the nations then in contest with us amity was restored. That is a proof, then, that we do not require any lesson from this House with regard to the necessity, the humanity, and the policy of preserving peace. But, in the next place, I say that it so happens that in almost every case, if not, indeed, in every one of these cases, peace has been preserved, not by the method of arbitration, but by the old method of negotiation directly between the Powers concerned. My hon. Friend who spoke last adverts to the case of Lord Ashburton and Mr. Webster. Lord Ashburton was not a commissioner according to the mode of arbitration, but a negotiator sent with powers from this country, in the ordinary way, to treat with Mr. Webster; and by regular treaty, signed by them, with full powers, without the appointment of an umpire or arbitrator, the matter in dispute was settled amicably. It is not necessary, therefore, to come to any decision with respect to a new mode of settling quarrels between this and other nations, because by the methods already in force we have been successfully arranging many disputes which in themselves appeared to bear the seeds of war. My hon. Friend who spoke last, assumed that we were only called on to give a general opinion, according to this Motion, on the desirableness of maintaining peace by some method or other. But that is not the Motion—the Motion is to ask the Queen to direct the Secretary of State for Foreign Affairs to enter into communication with foreign Powers for the purpose of concluding treaties of arbitration, by which the respective parties were to bind themselves to refer all future disputes to be decided by arbitrators. Therefore the question is not a general resolution, expressive of pacific desires, but a practical question —not visionary or utopian, I admit, in the least degree—whether it is desirable that the Queen should immediately direct that such treaties should be proposed to other nations. And if the Government had been assenting parties, and my noble Friend had agreed to the proposition, his course the very next day after agreeing to the address must have been to send to foreign Powers the proposals specified in the Motion. That being the question, it was impossible for the Government to agree to the Motion, unless they were prepared to act upon it immediately. Now, Sir, we could not act upon it, and my noble Friend, to prevent misconstruction of his motives, stated that, although we were fully prepared to negative the Motion, his advice to the House would be, not to come to any decision on the subject. That was the meaning of moving "the previous question;" and if the House decided that the question should not be put, it would decide nothing upon the merits of the question. Now, is it right that an address should be presented recommending that treaties of arbitration should be negotiated? For my part, I do not believe that they would be a better means of securing peace than already exist. Let it be observed, with regard to any particular question arising between this country and other countries, that supposing the matter in dispute cannot be arranged by direct negotiation, foreign nations have it always in their power to say, "this is a fit question to be decided by arbitration, let us appoint two arbitrators or commissioners, who may choose an umpire to decide this question." And I think there may be some questions, intricate and difficult in themselves, in which neither party may be willing to give way, but in which either party may give way without any sacrifice of national honour, or of the vital interests of the country. On such a question, it may be very fit that two Powers should agree that arbitration should be resorted to. But, on the other hand, there are other questions that occur between nations that cannot well or fitly be submitted to arbitrators — questions involving the dearest interests, the honour, or safety of a country, which, if a government proposed to submit to an arbitrator, the force of public opinion and popular feeling would be such as would render it impossible for the Government to carry out such a purpose. Now, Sir, I must refer, and that briefly, in illustration, to events of late dates; but, with regard to events of older occurrence, I will take, first, the invasion of Holland by Louis XIV. That was a question—involving, as it did, the very existence of Holland—of ambition and oppression on the one side, and of a determined spirit of resistance in behalf of national independence on the other. What if there had been a treaty of arbitration between the two parties? If the Dutch had resorted to such a course, the arbitrator, in the spirit that actuated arbitrators generally in proposing a compromise, might have proposed terms by which the Dutch, without entirely sacrificing their independence, would yet have given up portions of their territory by which their national security would have been totally undermined. Could the Dutch have submitted to these terms? And is it to be for any foreign person, however learned or wise, to decide whether a nation shall sacrifice its safety and independence or not? There is a case with regard to which a country might refuse to submit to arbitration, because it would be very dangerous for it to do so. With respect to the very question of the relations between this country and the United States of America, there was a question raised at the end of the correspondence between Mr. Webster and Lord Ashburton, which had certainly been a case of war. It was a most difficult question, and it appears to me it would be very dangerous to refer it to any arbitrator. Mr. Webster alleges that the right we assume of impressing British subjects out of American ships is a most oppressive claim, exposing young Americans to be seized and impressed on board of British ships, and states that such a proceeding should no longer be permitted. Lord Ashburton very properly entered into the discussion, seeing that the question involved, in the first place, the right of impressing on board of American ships, and then came the question whether we could exercise the right on board of English ships, because British subjects would go on board of American ships to escape impressment, supposing America to be a neutral country. The next point involved in the same question was, whether this country would abandon her claim to call on all her subjects in time of war to defend her coasts, and guard her safety in the hour of danger. These were grave and serious questions, which, if they ever were to be brought into a dispute again, might be arranged by arbitration. I believe there would be that temper, both on our part and on the part of any person deputed by the United States, which would effect a satisfactory adjustment of such an important matter; but I think that any person, furnished with full powers on our part, should have his instructions so drawn up as carefully to guard against anything necessary for the safety of the country being abandoned by any negotiator whom we might appoint. But could we allow a person presumed to be indifferent to the safety and independence of this country, and equally indifferent to the welfare of America—could we suffer such an indifferent and impartial person to decide questions vitally affecting our safety and position as a nation? Why, then, if that be so, it would be dangerous to have a general treaty requiring all disputes with America to be settled by arbitration. Take another case. A few years ago Charles X. of France sent an expedition to Algiers. The French Government was asked whether it had any intention of making conquests there, and the Ambassador answered that certainly it had not; that after they had procured redress for their injuries, the French, if they acquired any territory, meant to have the possession of it decided by a Congress of Powers, and not by France alone. Why, suppose we had disputed the French possession of Algiers, and had had a treaty of arbitration with France at the time; the arbitrator, seeing what had been the professions of France, might have decided that the territory ought to be given up, and the French army to be withdrawn from Algiers. But does any one believe that the French Government, immediately on the decision of the arbitrator, would have abandoned Algiers, and withdrawn her armies? For my part, I believe she would have done no such thing; and I believe their Government would not have been able, on account of the strong popular feeling the step would have excited, to adopt any such course. And if this country had had that question referred to an arbitration, and had got a decision in her favour, that Algiers should be abandoned by the French, would peace have been thereby facilitated? Would we not rather have been bound to see respect paid to the decision of the arbitrators, and would we have been content, as we have been, silently to acquiesce in the establishment of the French in that position? So that it appears to me far from clear that the method of arbitration would be as efficacious in securing peace as the system already in practice. I must also say that, connected as the nations of Europe are, I cannot believe that we are destined to see a continuance, a revival of those wars which I think have been a disgrace to civilisation, to humanity, and to that Christianity which the nations of Europe profess. In looking back at the history of past times in Europe, I perceive that there was a time when individuals sallied forth from their castles and made war on some other chief living some ten or more miles distant from the residence of the assailant himself. I perceive that in somewhat later times the plains of Flanders were devastated by rapine and bloodshed by the frequent quarrels between different small towns, and that many villages, and many cities even, were destroyed by fire as the result of these contests. Such was the ancient condition of Europe; but these hostilities have entirely ceased long ago. And if we look now to the peace that has prevailed from 1815 to 1848, we shall find with regard to those wars of the middle ages—of the barons amongst themselves—of chiefs and sovereigns against peaceful cities—that all these broils and barbarities have disappeared, and the artisan and husbandman pursue their peculiar trades and industry in happy progress and peace. Sir, if that change has taken place, I cannot see for myself why other changes of a kindred character should not occur, or that, in consequence of similar progress in civilisation—in consequence of the growth of the feeling that men are bound to make almost every sacrifice for the sake of peace—and with a temper and desire to arrange disputes by one mode or another, without having recourse to the force of arms—I cannot see why in future times, if Prussia and Denmark, for instance, have a dispute between them, that they will yet come to think that it is as unnatural and as barbarous to resort to arms, as it was for the town of Brussels to attack Liege, or for the barons of old to wage their deadly feuds against each other. I believe, Sir, that such results may be achieved in the gradual progress of civilisation; and I believe that the influence of Governments may have much to do in bringing about such changes. I do not expect that that will be rapid or immediate. What we have seen last year tends to make us less sanguine as to its coming soon. But I do not see why these changes should not be in progress. I do not see why the influence of the more powerful Governments should not be used to discourage war and to mediate between Powers in the case of disputes, which, though they may have some foundation as constituting a fair difference of opinion, are really no sufficient cause to induce these Powers to make war. I am the more confirmed in that view, because, looking back not only upon the two wars which had been alluded to—the American and the French wars—but looking back to all the wars that took place during the last century, and examining into the causes of disputes, I do not see any one war which, if there had been enough of temper between the different parties—if there had been time for consideration of the question in dispute—might not have been settled without recourse to arms, and to those wars from the effects of which we are still suffering. These being my opinions, I do not differ from the general objects of the hon. Member for the West Riding, nor do I regret that he has thought proper to bring this question under the consideration of the House. I certainly differ from him, however practically he may have put the question, when he allowed that, with regard to pirates and barbarous nations, it could not be adopted. I differ from him as to the policy of placing in every treaty with foreign powers an arbitration clause, because I believe that such a clause would not tend to promote the object which the House has in view. But with regard to the general object — the maintenance of peace—the propriety of not even defending our rights where it is not absolutely necessary to defend them, and where a regard to our honour is concerned, to seek for reparation in an amicable spirit, so that other nations, as proud and as haughty as ourselves, may find it their interest to grant it—so far I agree with the spirit of the Motion which the hon. Gentleman has made. I shall only further refer to an allegation made by the hon. Member who spoke last with respect to the part which he supposed me to have taken with regard to the differences with the United States in 1844. So far from wishing to promote differences on that occasion—so far from wishing to carry these differences to the arbitrament of war, I then informed the noble Earl who was at that time Secretary for Foreign Affairs—a noble Friend of mine—that I was ready either to attend in the House, or to abstain from attending the House—that I was ready to take any part which he might point out to me which was likely to prevent the then existing dispute from ending in hostilities between the two nations. I do not agree with my hon. Friend when he says that the more security we have for peace the more we increase our forces. I say that is totally different from the fact, because in the last twelve or eighteen months we have reduced 16,000 men in the Navy, and 10,000 in the United Kingdom and the colonies in the Army; so that, instead of increasing, we have been diminishing our forces. But still I agree with my noble Friend the Member for Middlesex, who said, early in the debate, that he was of opinion, *si pacem velis para bellum.* I fully agree with that old maxim. I think we should not lower our power so as to offer temptations to foreign Powers to attack us, but I believe that, in keeping up such a force as is absolutely necessary, and not beyond, for the purpose of our own defence, we shall best preserve peace between this country and other nations.

Captain HARRIS, at that late hour, would only observe, that he did not think the House had done justice to the practical good sense of the country by the manner in which they entertained this Motion. The whole drift of the hon. Member for the West Riding and his friends, was to reduce the national defences to a scale inconsistent with security for the country. With this object in view, they had, for the time, adopted the impracticable theories of a few well-meaning and sincere men, and commenced an agitation which found no sympathy in the country. By whom was it conducted? Mr. Elihu Burritt, the apostle of the peace movement, came down to Christchurch, the place which he (Captain

Harris) represented—and by whom attended? By Vincent, the Chartist, whose name appeared in the bills advertising the meeting. The feeling and sound sense of the people of this country were in favour of peace, and public opinion would exercise its just influence to maintain it; but it despised an agitation carried on under false colours and entailing most mischievous results.

Mr. COBDEN rose to reply. He supposed that no one would be in favour of keeping up their present establishments for their own sake in time of peace. He could assure the hon. and gallant Gentleman who spoke last, that the country generally would not keep a ship afloat more than was absolutely necessary. What he sought by his present Motion was to render ships of war, to a great extent, altogether unnecessary. He did not mean to render the country defenceless, but he proposed to take other means for her defence. He could assure the hon. and gallant Gentleman that any one who looked at the question otherwise than through a strictly professional medium—that was to say, keeping up their present establishments by land and sea for themselves alone— ["Oh, oh!"] Yes, any one who looked at this question otherwise than through the medium he had described, would see that the description given by the French President of the embarassed and almost bankrupt state of the finances, far more than compensated for the large force which was there kept up; and no man of sense would consider that the French Republic was at all the stronger for keeping up an army which was ruinous to their finances. He must say he thought that those persons, whether Chartists or Quakers, or hon. Gentlemen sitting near him, took a rational course to reduce the Army, by finding other means to defend the country; they took the wisest and the best course not to establish a republic, but to maintain the institutions of the country, which were never in danger, till they reached that stage — the last stage in every Government in Europe—of financial difficulty and embarrassment. He thought the noble Lord had scarcely dealt with the question as a statesman should do. He told them that the disputes during the last fifteen years had been settled by negotiation under the present system. He admitted that; but look at what had been going on. While the disputes were settling, the establishments had been increased, and when they were settled, those establishments were not reduced. The noble Lord, also, the Member for Tiverton, said there was one danger in adopting this resolution, that the people of this country would be thought to have lost their ancient spirit, and that they would be ready to submit to unjust encroachments for the sake of preserving peace. If the noble Lord had any apprehensions of this nature, he would advise him to take the present moment to hold out to other countries an arrangement for preserving peace; for there never was a period when this country, so far as the *materiel* of war was concerned, was more prepared than at present for hostilities with any existing country; and he might almost say with the whole world. If he did not do this, he was not sure that the noble Lord's apprehensions might not be realised. There were at present two movements going on in this country. The one was a movement in favour of peace, carried on by a religious body who had pursued their object as a matter of abstract principle for the last twenty years. There was another party in the country which was anxious, pressing, and importunate for the reduction of expenditure. These parties were now in alliance, because the financial reformers knew that seven-eighths of the expenditure of the country was either for past wars or for the present warlike establishments. They could not touch the interest of the debt, and it would give no relief to the country if the whole of it was sponged out to-morrow, for the money had already been spent and gone; but if they struck at the five or six millions of current expenditure on our existing establishments, that would be a real relief to all the interests of the country. He would take an opportunity next Session of coupling with this Motion an Address "to the Crown"—for after the result of the Motion for the ballot, it would be useless to do so this year—that a communication be entered into with foreign Powers proposing to them to cease this increased waste of building line-of-battle ships, and multiplying steamers, and increasing the number of their armed men—he would move an Address to the Crown to ask those foreign Powers to join with this country in stopping that waste, and in effecting a gradual diminution of their force. He would propose also, that as a proof of their sincerity they should diminish this barbarous waste that is going on in their establishments. The noble Lord at the head of the Government spoke of the preservation of peace; but the present state of things is not a peace; but an armed truce. He (Mr. Cobden) did not call it a peace at all; and when the noble Lord spoke of the progress of civilisation, he looked around him and saw great States manifesting a display of force that in his mind was far more wasteful than anything that existed in the feudal ages. Before the revolutions broke out, there were 2,000,000 of armed men living on the productive industry of Europe, and he believed 200,000,000*l*. annually was not too high a calculation of the waste that took place for the support of this unproductive class; to say, therefore, while this is going on, that England is in a state of peace, is a misnomer; it is, he repeated, an armed truce. The noble Lord the Member for Tiverton had led him to suppose that there was much not difference in their views, yet he had proposed an Amendment for the purpose of preventing him from taking the sense of the House on his proposition; but he (Mr. Cobden) wanted the House to express its opinion on the question; he wanted the noble Lord to let them have a division on the merits, and he would like to see if the noble Lord would go out against him after his speech. The noble Lord the Member for the city of London was opposed to his Motion; he had found fault with it, and yet at the same time he said that he thought that he (Mr. Cobden) had done good by bringing it forward. He did not understand such compliments when they carried such comments with them. He was resolved to take the sense of the House on the question. He was quite sure of this, that the question would be kept alive in the country, and to the country he would commit it.

Previous Question put, "That that Question be now put."

The House divided:—Ayes 79; Noes 176: Majority 97.

List of the AYES.

Aglionby, H. A.
Alcock, T.
Anderson, A.
Armstrong, R. B.
Bass, M. T.
Berkeley, C. L. G.
Blewitt, R. J.
Bouverie, hon. E. P.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Clay, J.
Cowan, C.
Crowder, R. B.
D'Eyncourt, rt. hon. C. T.
Duncan, G.
Ellis, J.
Evans, Sir De L.
Fagan, W.
Fox, W. J.
Gibson, rt. hon. T. M.
Glyn, G. C.
Greenall, G.
Greene, J.
Grenfell, C. P.
Grosvenor, Lord R.
Harris, R.
Hastie, A.
Headlam, T. E.
Henry, A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Horsman, E.
Hume, J.
Ker, R.
Kershaw, J.
King, hon. P. J. L.
Lushington, C.
M'Cullagh, W. T.
Marshall, J. G.
Matheson, Col.
Moffatt, G.
Moody, C. A.
Morris, D.
O'Brien, J.
O'Connell, J.
O'Connor, F.
Osborne, R.
Pearson, C.
Pechell, Capt.
Perfect, R.
Peto, S. M.
Pigott, F.
Price, P.
Pilkington, J.
Reynolds, J.
Ricardo, O.
Robartes, T. J. A.
Roebuck, J. A.
Scholefield, W.
Sidney, Ald.
Smith, J. B.
Spearman, H. J.
Strickland, Sir G.
Thompson, Col.
Thompson, G.
Thornely, T.
Trelawny, J. S.
Villiers, hon. C.
Walmsley, Sir J.
Wawn, J. T.
Westhead, J. P.
Willcox, B. M.
Williams, J.
Wyld, J.

TELLERS.

Cobden, R.
Ewart, W.

List of the NOES.

Abdy, E. N.
Acland, Sir T. D.
Archdall, Capt. M.
Arundel and Surrey, Earl of
Bagshaw, J.
Baldock, E. H.
Baring, rt. hon. Sir F. T.
Baring, T.
Barrington, Visct.
Bellew, R. M.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Berkeley, hon. Capt.
Blake, M. J.
Bowles, Adm.
Boyle, hon. Col.
Brackley, Visct.
Bramston, T. W.
Brand, T.
Brisco, M.
Brooke, Sir A. B.
Bruce, C. L. C.
Bulkeley, Sir R. B. W.
Bunbury, W. M.
Burke, Sir T. J.
Buxton, Sir E. N.
Campbell, hon. W. F.
Carew, W. H. P.
Carter, J. B.
Cavendish, hon. C. C.
Charteris, hon. F.
Childers, J. W.
Christy, S.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Coles, H. B.
Colville, C. R.
Compton, H. C.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Craig, W. G.
Dalrymple, Capt.
Davies, D. A. S.
Denison, W. J.
Denison, J. E.
Dodd, G.
Drumlanrig, Visct.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Dunne, F. P.
Du Pre, C. G.
Ebrington, Visct.
Euston, Earl of
Evans, W.
Farnham, E. B.
Farrer, J.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzpatrick, rt. hon. J. W.
Forster, M.
Freestun, Col.
Frewen, C. H.
Galway, Visct.
Goddard, A. L.
Godson, R.
Gooch, E. S.
Gore, W. R. O.
Granby, Marquess of
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl
Guernsey, Lord
Guest, Sir J.
Haggitt, F. R.
Hale, R. B.
Hallyburton, Lord J. F.

Halsey, T. P.
Harris, hon. Capt.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Heathcoat, J.
Heathcote, G. J.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Hervey, Lord A.
Hill, Lord E.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Holland, R.
Hope, A.
Howard, Lord E.
Howard, hon. C. W. G.
Inglis, Sir R. H.
Jervis, Sir J.
Keppel, hon. G. T.
Knox, Col.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lennox, Lord H. G.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
M'Gregor, J.
Mahon, Visct.
Maitland, T.
Martin, C. W.
Maule, rt. hon. F.
Milnes, R. M.
Moore, G. H.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Newdegate, C. N.
Newport, Visct.
Nicholl, rt. hon. J.
Nugent, Sir P.
O'Connell, M.
O'Flaherty, A.
Ogle, S. C. H.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Philips, Sir G. R.
Pugh, D.
Raphael, A.
Renton, J. C.
Rich, H.
Richards, R.
Romilly, Sir J.
Rushout, Capt.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
St. George, C.
Sandars, J.
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Slaney, R. A.
Smith, J. A.
Somerville, rt. hon. Sir W.
Stansfield, W. R. C.
Stuart, Lord J.
Sutton, J. H. M.
Talbot, C. R. M.
Tancred, H. W.
Taylor, T. E.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Ald.
Tollemache, J.
Trollope, Sir J.
Turner, G. J.
Tyrell, Sir J. T.
Urquhart, D.
Vane, Lord H.
Vesey, hon. T.
Vivian, J. E.
Watkins, Col. L.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Worcester, Marq. of
Wyvill, M.

TELLERS.
Tufnell, H.
Hill, Lord M.

RECEIVERS, COURTS OF CHANCERY AND EXCHEQUER (IRELAND).

MR. B. OSBORNE moved—

"That the following Members be nominated the Select Committee on Receivers, Courts of Chancery and Exchequer (Ireland):—Mr. Osborne, Sir Robert Peel, Sir J. Graham, Sir William Somerville, Mr. Solicitor General, Mr. Napier, Mr. Monsell, Mr. Bright, Mr. Henley, Mr. O'Flaherty, Mr. George Alexander Hamilton, and Mr. Tennent."

COLONEL DUNNE hoped that the hon. and gallant Member would not proceed with his Motion to-night. There were only two Members on the Committee who were largely connected with landed property in Ireland.

MR. B. OSBORNE wished to know if the hon. and gallant Member wanted to appoint Members on the Committee whose estates were in Chancery. There were seven gentlemen connected with Ireland of the highest respectability on the list, and he would take the sense of the House with regard to every one of the names he had selected.

MAJOR BLACKALL said, his hon. and gallant Friend did not object to the respectability of the names selected, but he merely thought that Gentlemen would be most useful on the Committee who had a knowledge of the management of property in Ireland.

MR. M. O'CONNELL thought that Members conversant with the practice of equity courts in Ireland should be appointed on the Committee. He should suggest that the name of the hon. and learned Member for Athlone be added to the Committee.

MR. MONSELL thought it would be better to have the Committee appointed at once, if it were intended to have a proper inquiry this Session. He would recommend his hon. and gallant Friend the Member for Portarlington to object to particular names, if he thought proper.

VISCOUNT BARRINGTON said, he had often objected to the mode of appointing Select Committees in that House, but he supposed that it was now too late in the Session to effect an alteration. He hoped the Government would take the matter into their consideration, and try whether some such mode as that adopted in the case of Committees on Private Bills might not be substituted for the present most unsatisfactory system.

Mr. B. Osborne to be a Member of the Committee.

Motion made and Question proposed, "That Sir Robert Peel be one other Member of the Committee."

Debate arising; Motion made, and Question put, "That the Debate be now adjourned."

The House divided:—Ayes 13; Noes 58: Majority 45.

List of the AYES.

Beresford, W.
Blackall, S. W.
Blake, M. J.
Coles, H. B.
Duncuft, J.
Ferguson, Sir R. A.
Goddard, A. L.
Grace, O. D. J.
Hill, Lord E.
Mullings, J. R.
O'Connell, M.
St. George, C.
Tenison, E. K.

TELLERS.
Dunne, Col.
Nugent, Sir P.

List of the NOES.

Arundel and Surrey, Earl of
Baring, rt. hon. Sir F. T.
Barrington, Visct.

Bellew, R. M.
Berkeley, C. L. G.
Brotherton, J.
Carew, W. H. P.
Carter, J. B.
Childers, J. W.
Christy, S.
Cobbold, J. C.
Cocks, T. S.
Craig, W. G.
Dodd, G.
Estcourt, J. B. B.
Forster, M.
Frewen, C. H.
Galway, Visct.
Greene, J.
Greene, T.
Hastie, A.
Hawes, B.
Hayter, rt. hon. W. G.
Henley, J. W.
Hill, Lord M.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Howard, L. E.
Kershaw, J.
Knox, Col.
Lemon, Sir C.
Lewis, G. C.
Mahon, Visct.
Masterman, J.
Matheson, Col.
Milnes, R. M.
Nicholl, rt. hon. J.
Palmerston, Visct.
Patten, J. W.
Pearson, C.
Pigott, F.
Pilkington, J.
Ricardo, O.
Rutherfurd, A.
Sheil, rt. hon. R. L.
Simeon, J.
Somerville, rt. hon. Sir W.
Talbot, J. H.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Tufnell, H.
Vesey, hon. T.
Westhead, J. P.
Williams, J.
Wilson, J.
Wood, rt. hon. Sir C.

TELLERS.

Osborne, R. B.
Monsell, W.

On the Question that Mr. Bright be one other Member of the Committee,

Mr. M. O'CONNELL moved, "That the name of Mr. Keogh be substituted."

Mr. SPEAKER informed the hon. Member that notice should have been given of the Amendment.

Major BLACKALL said, that the names had only been published that morning, and no opportunity had, therefore, been afforded of giving notice of Amendment. He thought this an additional reason why the appointment of the Committee should be postponed.

Mr. B. OSBORNE said, there were two, if not three, Members of the Committee who would be unable to serve, and hon. Members could substitute any names they liked for them hereafter.

Colonel DUNNE said, he was most anxious that a proper inquiry should take place; and he wished, on that account, that the best names should be selected. He did not see why Mr. Bright should be appointed on such a Committee, as he knew nothing about Ireland.

Sir A. B. BROOKE expressed a hope that the appointment of the other Members of the Committee might be postponed.

Mr. B. OSBORNE said, the appointment of the Committee was of vital importance. He believed that a more useful Member than Mr. Bright was not in the House. There were men upon this Committee who, for practice at the bar and independence in politics, stood as high as any person in that House. He had no wish to serve upon the Committee himself; and if the hon. Member wished to serve, he should be heartily welcome to take his place. There were three Gentlemen whom he had proposed—Mr. Page Wood, Mr. Turner, and Mr. Torrens M'Cullagh—who had informed him that they would not be able to serve on the Committee, and the hon. Member might nominate any three others in their place; but he would certainly insist upon retaining the name of Mr. Bright on the Committee.

Sir W. SOMERVILLE suggested, that the names of the Committee should be agreed to as they at present stood; and if it were found that any of the Members could not serve, an opportunity would be afforded for moving the addition of any other names that hon. Members might think proper.

Mr. M. O'CONNELL withdrew his Motion.

The name of Mr. Bright and of the other Members of the Committee were then agreed to.

House adjourned at half-after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, June 13, 1849.

Minutes.] Public Bills.—2° Cruelty to Animals.

Petitions Presented. By Mr. Cowan, from Edinburgh, against the Marriages, Public Health (Scotland), and Police of Towns (Scotland), Bills.—By Mr. Lushington, from certain Fishmongers and Poulterers, for an Alteration of the Sunday Trading (Metropolis) Bill.—By Sir J. Pakington, from Droitwich, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Heywood, from several Places, respecting the Lancashire County Expenditure.—By Mr. Frewen, from a Number of Places in Sussex, for Repeal of the Duty on Hops.—By Mr. William Brown, from the Manchester Commercial Association, for the Bankrupt Laws Consolidation Bill.—By Mr. Aglionby, from Aspatria, for the Copyholds Enfranchisement Bill.—By the Marquess of Douro, from Norwich, for the Cruelty to Animals Bill.—By Mr. Hutt, from Kintore, against the Lunatics (Scotland) Bill.—By Mr. Cardwell, from Liverpool, for an Alteration of the Act 9 and 10 Vict., c. 109, relating to Master Porters (Liverpool).—By Mr. Plumptre, from the Milton Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Packe, from Ashby-de-la-Zouch, for an Alteration of the Small Debts Act.—By Mr. Reynolds, from several Places, for an Alteration of the Law respecting Spirits (Ireland).—By Lord Harry Vane, from Stockton-upon-Tees, for the formation, between the British Government and other Governments of the World respectively, of Treaties by which International Disputes may be decided by Arbitration.

CRUELTY TO ANIMALS BILL.

Order for Second Reading read.

The Marquess of WORCESTER, in moving the second reading of this Bill, said, that it was not a new Bill, but an improvement on the Bill of 1835, the principal alterations being to fine the owner instead of the servant in case of overdriving horses in private vehicles, and to enable magistrates to inflict a fine of 5*l.*, which had hitherto been limited to 40*s.*, an alteration which the police magistrates of the metropolis, and of several large towns, strongly recommended.

Mr. HUME fully approved of the principle of the Bill; but he wished to know if the existing laws were not sufficient. No man was more anxious to prevent unnecessary cruelty to animals or to men than he was; but he feared that the multiplication of Acts might render the matter difficult instead of simple.

Motion made, and Question proposed, "That the Bill be now read a second time."

Sir G. GREY said, that, as observed by the noble Marquess, it was not a new Bill, but repealed the existing law, and re-enacted it with amendments, in some cases substituting imprisonment for a pecuniary penalty. He had not the least objection to the Bill, but he thought that in Committee it would require a most careful consideration.

Mr. HENRY inquired if there was any clause in it against steeple chasing.

Mr. MACKINNON said, there was no clause to that specific effect; but there was a power given by it to magistrates to inflict a penalty where animals were overdriven.

Sir G. STRICKLAND said, that as no one could object to the principle of the Bill, they had better not discuss its details until they went into Committee.

Mr. W. BROWN inquired if it was to extend to Ireland and Scotland.

Mr. HOME DRUMMOND had no objection to the principle of the Bill; but when in Committee he would move that it shall not extend to Scotland.

Bill read a second time, and committed for Wednesday next.

COUNTY RATES AND EXPENDITURE BILL.

Order for Second Reading read.

Mr. HUME said, he should not have felt it necessary to address the House in moving that this Bill be read a second time, but for the notice of the hon. Baronet the Member for Droitwich to oppose it *in limine.* In consequence of a general demand made through petitions, her Majesty was pleased to appoint a Commission to inquire into the general management of the county funds—the result of which was a preliminary report, presented 11th August, 1835, showing a careful inquiry into the different taxes, the amount collected, and the manner in which they were applied; and a second report, presented 2nd June, 1836, containing the evidence of many of the best-informed magistrates, who admitted the necessity of a change. He was examined, and stated that he considered that the fiscal reform which had been effected in the management of the borough rates had been approved of; and he saw no reason why that reform should not be carried to the counties. After that report was presented, he introduced a Bill, called the County Boards Bill, separating the whole financial affairs of the counties from the judicial. It was read a first time with the sanction of the Government; but on the second reading was lost through the opposition of the county Members. Since then he had had numerous applications to re-introduce the Bill, but he had declined, thinking it the duty of the Ministers to bring the matter before the House. But, in the early part of this Session, he had been waited on by a deputation from Lancashire, and, at their pressing request, he had introduced the present Bill, which materially differed from that of 1837. Since that time the country had been divided into poor-law unions, and the guardians were a representative body. Two or three public meetings in Lancashire had come to the conclusion that an independent county financial board, as provided by the Bill of 1837, would be unnecessary, and that certain elected guardians might form such board. It was proposed that each union should elect one of its guardians to form the county board, to which one magistrate would be added for every two guardians so elected. But if the House thought any other proposition more desirable, he should not object. It was his intention to refer the Bill to a Select Committee, and the alteration might then be made. He conceived such alteration would be an injury to the measure; but he was disposed to submit to it, rather than risk the loss of the Bill altogether. In the Commissioners' report already referred to, the Commissioners justly complained of the county rate being the only tax of so large an amount levied without representation; and, on this ground, he hoped the House would consent to the alteration proposed, which was anxiously desired in very many counties. The Commissioners had recommended the formation of county financial boards, on the ground that by no other means could the expenditure of the county rates be properly controlled. In the 40 years between 1792 and 1832, the cost of maintaining bridges in the several counties had risen from 42,000*l.* to 74,000*l.*, an increase of 76 per cent; the expenses of gaols, from 92,000*l.* to 177,000*l.*—92 per cent; the maintenance of prisoners, from 45,000*l.* to 127,000*l.*—178 per cent; cost of prosecutions, from 34,000*l.* to 157,000*l.*—359 per cent; constables, from 659*l.* to 26,680*l.* — 4,300 per cent. On other items there was also a marked increase, averaging 148 per cent, all showing the necessity of steps to control the county expenditure. In 1835, the total county expenditure of England and Wales was 693,000*l.*; in 1847, it was 1,100,000*l.*, being an increase of 74 per cent in 12 years; and the increase in Lancashire alone had been 137 per cent. Though this increase was large, it would have been still larger had Parliament not stepped in to the relief of the counties. In 1835, the expenses of prosecutions at sessions and assizes had been thrown on the Consolidated Fund, which, with other items, relieved the county rates to the amount of 152,000*l.*; and these payments had gone on increasing till, in 1847, they amounted to 533,000*l.*, and in 1848 to 542,000*l.*, forming in all an aggregate of 3,532,000*l.* of expenditure, from which the county rates had been relieved, although these rates had nevertheless increased 74 per cent. The measure before the House had necessarily been framed so as to avoid the more prominent objections raised to the former measure; and he believed most county Members were now disposed to assent to the principle of county financial boards. Some hon. Members had expressed a wish that the Bill should give power for assessing owners of property to the cost of gaols and other new buildings; but he did not think such a provision could be conveniently included in the Bill. It might form the subject of a separate enactment, and it was one well worthy the attention of the House. With the view of applying some remedy to the evils existing in the county management, he solicited the House to give this Bill a second reading, referring the consideration of the details to a Select Committee.

MR. DRUMMOND stated that he would second the Motion. He understood the principle of the Bill was, that there should be a board for the management of the financial affairs of counties, separate from the county board. To that principle he was decidedly a friend, but he thought there was great misapprehension as to the powers of magistrates in these matters. He had never known the magistrates of the county where he resided hold a meeting which had not for its object to reduce the expenditure to its lowest possible amount. He held in his hand a copy of the last treasurer's accounts, and he was satisfied that there was not one farthing entered which had not been properly expended. It was impossible that boards chosen as the hon. Member for Montrose proposed could know what officers or salaries were necessary. What had been the course taken by boards of guardians? They had reduced expenditure which they ought least of all to have reduced—the salaries of medical officers and medical assistants. It had been his fate to see three gaols built in the county where he resided, not by the will of the magistrates, but by the will of the hon. Member and those who supported him in that House. What was done was not in accordance with what the magistrates thought most advisable, but in accordance with some philanthropic crotchet of the Home Secretary for the time being; and they were now going to an enormous expense in building another county gaol. Then considerable expense had been incurred for lunatics. About thirty years ago he had been the first person to move in the county board for a return of lunatics and fatuous persons. It was discovered that there were upwards of 300 in the county; and then it became necessary to have a lunatic asylum. In some of the representations made by the supporters of the Bill, the magistrates were accused of building splendid establishments at the expense of the ratepayers. They had no power in the matter; it was the Home Secretary who required that such accommodation should be provided. And when the building of these places was ascribed, as in a remonstrance from Birmingham, to a "magisterial monomania," it was evident that the remonstrants laboured under a total misapprehension, and that great delusion existed on the subject. He was of opinion that the rate-payers ought to have a voice in the administration of counties.

Motion made, and Question proposed,

"that the Bill be now read a second time."

SIR J. PAKINGTON thought it would be unfortunate if the hon. Member for Montrose did not receive a little warmer support to his Bill than had been offered by the hon. Gentleman who had just sat down. The principle of the Bill, as he (Sir J. Pakington) understood it, was, that those who contributed to the county rate should have a control over its expenditure. To that principle he did not object; but he thought that the Bill before the House, although it might suit the theories of the hon. Gentleman, and those who supported him, would not be found to effect the object in view. He held the Bill to be a most objectionable, and a most impracticable, Bill. With respect to county expenditure, he believed there never was a time when it was watched with more jealous care, and subjected to more rigid economy, than at the present moment. [Mr. HUME: By whom?] By the county magistrates. He could answer with respect to his own county, that the accounts of no mercantile establishment in the kingdom were subjected to a more rigid scrutiny than were the accounts of that county. As chairman of the board of magistrates of that county, he arrogated to himself no merit for instituting that scrutiny. It was the merit of the finance committee under the control of the magistrates at large. If any counties there were in which this economy was not practised, he should not object to the appointment of a Committee which should inquire into the county expenditure. So strong was his feeling on the subject of economy in these matters, that he had abandoned his intention of moving the rejection of the present measure, and had substituted an Amendment, which he would move in concluding his observations. He regarded the present Bill as an unnecessary affront to the House, and to those county gentlemen whom, in the discharge of most important duties, it was attempted to supersede, without alleging malpractices against them—almost without alleging complaint of any kind. The hon. Member for Montrose rested his case on the recent expenditure of the county of Lancaster. The expenditure of Lancaster had been made the very foundation of the Bill; but a case less in point, he thought, could not have been adduced. The hon. Member was correct in his figures, but had not made a fair application of them. True, in 1824, the expenditure of the county of Lancaster was 80,000*l.*, and in 1848, 179,000*l.*, showing an increase, within twenty-four years, of 100,000*l.* But this increase in 1848 was to be accounted for by the additions which had been made to two gaols, and the building or additions to three lunatic asylums. Those items of expenditure amounted to 53,000*l.* Again, in 1848, a large sum had to be paid for police establishments not in existence in 1824, the cost of maintaining which was 39,000*l.* These two sums amounted together to 92,000*l.*, which, deducted from 179,000*l.*, left 87,000*l.* as the expenditure of 1848, as compared with 80,000*l.* in 1824; that was to say, 7,000*l.* had been added to the county expenditure, whilst the population had increased one-third, and the value of the rateable property also one-third in the interval. But that was not the whole case; for he had a right to deduct 27,000*l.* from that 87,000*l.*, for the maintenance of prisoners, and other expenses connected with the gaols. If, then, he merely took the same items in 1848 which he took in 1824, the matter would stand thus, that in the former year the expenditure was 60,000*l.* as compared with 80,000*l.* in the latter. The Government, again, of late years had taken on themselves the cost of maintenance and prosecution of prisoners, and that constituted an item of expense. He trusted that the right hon. Gentleman the Secretary for the Home Department, when the Lancashire magistrates were charged with extravagance, would explain that 15,000*l.* or 16,000*l.* had been expended to carry out the system of separate imprisonment, of which the right hon. Gentleman was an advocate. He trusted, also, that the magistrates of Lancashire would not be censured for the erection of lunatic asylums, without which the necessary accommodation could not have been afforded. The total number of pauper lunatics in Lancashire was 1,600. He believed that it was owing to some local squabble about the erection of these lunatic asylums that this most absurd Bill had found its way to the House. [Mr. HUME: No, no.] He had been so informed. But with respect to accommodation, it would appear that after the asylums had been erected they would only accommodate 1,500 persons; so falling short of the necessities of the case. Denying that the case of Lancashire was one which could be brought by the ratepayers against the magistrates, he could not, at all events, consent that the whole kingdom should be dosed because something wrong might be detected in a single county. His broad objection to the Bill was, however, that it would not effect its object. The practical effect of the Bill was, that every board of guardians should send a representative to the county board, and that the county magistrates should elect one out of their own body, to a number not exceeding one half the guardians so elected. Now, the working of this principle in Lancashire would be this: there were twenty-seven boards of guardians in Lancashire, and there would consequently be fourteen elected magistrates. In the town of Lancaster the board consisted of forty-one, and the magistrates of the county numbered 450; and here he thought he could point out the fallacy on which the Bill rested. The commissioners in 1836 said, in their report, that, although the magistrates were unwilling to concede the whole of the control to the ratepayers, they would not object to a concurrent control on the part of the ratepayers with themselves. Now, he could not understand this distinction drawn between the magistrates and the ratepayers, and he did not think that the four gentlemen who had appended their names to the report of the commission would, on consideration, have persevered in their fallacious and most erroneous distinction. [" Hear, hear!"] Let him ask those hon. Gentlemen who cheered him, whether the 450 magistrates, or their tenants, which was the same thing, did not pay the great—the enormous proportion of the rates? He denied that the tenants paid the rates. Rates were local charges on the land; they found their level in rents, and were all taken into account when a tenant took his farm. The rates, in fact, were paid by the landowner, and not by the tenant. Tenants might be liable for accidental expenditure for public buildings, but as a general rule the landlord paid the rates. He was quite willing that the landlords should take the rates on themselves; but he was averse to transfer the control of this expenditure from the county magistracy into the hands of persons, small farmers and shopkeepers, who either paid very little or no rates at all. In the county of Worcester there were two hundred magistrates, of whom forty were clergymen, whose incomes were highly taxed in proportion to their means. The great bulk of the ratepayers consisted of persons of landed property. The advantage derived from reposing this trust in the hands of such persons was, that they had an interest, a personal interest, in keeping down the expenditure to which they themselves contributed. He denied that, as a general rule, boards of guardians were eligible persons to whom to entrust the duty of managing these affairs. He would remind the House of what had occurred in the case of the Roads Bill. The Roads Bill gave the management of the roads into the hands of the boards of guardians. A deputation had waited on him from Lancashire, to say that the boards of guardians were composed principally of small tradesmen and manufacturers, and the deputation were afraid to intrust the management of the roads to such hands. Now, he would put it fairly to the House, whether it was expedient to transfer the county expenditure from a large body of gentlemen, to persons who could not be intrusted with the management of the roads. So he believed with respect to Lancashire, that there was a great indisposition felt to assign such duties to boards of guardians. When the county-rate commissioners, in 1836, recommended a plan similar to that now before the House, they had not had any experience of the working of the poor-law, and the eligibility of boards of guardians for the office now proposed to be assigned to them. The commissioners chose to call the magistrates a "fluctuating body," and to assign that as a reason why their duties should be shared in by others. But if any body of men could be pointed to as suggesting (excepting, of course, the casualty of life) the idea of permanency, he thought they were the county magistrates of this country. At all events, he could not conceive a less permanent body than boards of guardians. He appealed to the right hon. Gentleman the Home Secretary, not to sanction this affront to the gentlemen of England. The Bill was one drawn by somebody who had evidently no practice or experience in the matter, and was founded in entire ignorance of the working of the present system. He would ask whether the judicial and financial duties of the magistrates were not so extremely interwoven that they could not well be separated? And let not the House tamper with a system that had long worked well, and would still continue to do so, if the gentry of England only did their duty. That property had its duties as well as its rights was a favourite maxim with many in that

House; and he held that one of the first duties of those who were blessed with property was to attend to the administration of the local affairs of their district. In the performance of that duty they might depend upon it, that whatever was for the interest of the rich man was also for the interest of the poor man in these local affairs; and his only fear was, that the gentry of the counties of England would become less inclined to discharge those functions of local administration with which the constitution had so long entrusted them. So long, however, as the county magistrates performed their duty faithfully, he saw no reason why they should be superseded in the way that this Bill proposed. Under such a Bill it would be utterly impossible, with the body to which it sought to transfer the powers of the magistrates, that the present system of managing the gaols under the magistrates could be continued. The gaols would have to be taken under the management of the Government; for how could a body like the board proposed deal with the periodical reports of the visiting justices? Let it be shown that the justices had neglected their duty, and he was quite ready to agree to an inquiry before a Committee.

MR. ROBERT PALMER rose to second the Amendment of his hon. Friend, and he did so with great satisfaction. He thought that the general principle that those who paid the largest amount of rates should have some voice in the administration of the funds to which they contributed, was altogether lost sight of in this Bill. It would appear from a perusal of the Bill of the hon. Member for Montrose, that he considered the magistrates of this country to be incompetent, or not of sufficient character, to be intrusted with the administration of local affairs. The hon. Gentleman, he believed, had no intention to convey such an imputation on the county magistracy; but he proposed by law to exclude from all management or control over the county rates every magistrate of a county, however largely interested he might be in the economical administration of the local rates. He could not admit that in any county he knew of the funds of the county had been mal-administered, and he doubted whether more economy would be effected by the mode proposed to be adopted by this Bill. For himself he had great experience at quarter-sessions, and he knew the practical working of the system. A finance committee was appointed, who supervised and checked every kind of bill that was brought before them; and he thought, with the hon. Baronet, who had moved the Amendment, that if there was anything which the magistrates watched with extreme jealousy, it was the proceedings of their own body in respect to all matters of expenditure. On inquiry he was sure it would not be found that the county-rate funds had been in any case extravagantly or thoughtlessly dealt with. He thought the hon. Member for Montrose must imagine that a much larger amount of funds was under the control of the magistracy than there really was. Now, there were in his county 150 magistrates; and all but those who might be elected under this Bill would be excluded from having any voice in the administration or management of the county rates. He believed that there was no feeling, on the part of the public generally, against the present mode of dealing with the county rates and the county expenditure. He was not opposed to, but on the contrary wished for, a full inquiry by a Select Committee or otherwise, in order to see whether a better mode might not be adopted by which the county expenditure might be reduced; and he was, therefore, prepared to second the Amendment suggested by his hon. Friend, and for this reason especially, that if this Bill were read a second time and were referred to a Select Committee, they could not take evidence before that Committee. If the House should adopt the proposition of his hon. Friend, they could then elucidate any facts which might be stated as to the causes of mismanagement of these funds.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'a Select Committee be appointed to inquire into the present mode of levying and expending the County Rate in England and Wales, with a view to ascertain whether any more satisfactory mode of levying the said Rates, and more effectual and economical control over their expenditure can be adopted."

MR. HEYWOOD thought the people of England were very much indebted to the magistracy for the trouble they had taken in collecting and administering the rates and expenditure of the counties; but a great body of ratepayers considered it very vexatious that they should be called upon to pay without in any way being allowed to interfere. He did not think, however, that so large a reduction in the expenditure would be effected by a mixed board of guardians and magistrates as the advocates of this measure supposed, and it would not be fair to call on the representatives of the people to pass a general measure on this subject without inquiry. It appeared that, as we became more civilised, the expenditure of the counties increased. The Scotch were more economical in the management of their gaols, for they made the prisoners work for their maintenance, and a similar plan might be adopted here. The prisoners were much too comfortable; and in Lancashire, where some of the people were in a wretched condition, trifling offences were often committed so that the offenders might get into the gaols. The principle of this Bill, which established a financial board in which the ratepayers beyond the magistrates, such as the tenant farmers and others, would be represented, was one to which no person could object. It was a principle that was in operation in the reign of Henry VIII., and it was one which he was ready to support.

Sir G. GREY said, that if the hon. Baronet the Member for Droitwich had persevered in the Motion of which he gave notice, and asked the House to reject this Bill altogether by proposing "that the Bill be read a second time this day six months," thereby objecting to the principle of the Bill, he would have no hesitation in the course he should pursue. He would vote for the second reading of the Bill against such an Amendment, on this ground, that he was favourable to a plan for the creation of a county financial board for the assessment of county rates and the administration of the expenditure, into which the principle of representation should be introduced. He need not, he was sure, declare that he was not actuated by any feeling of the kind that was attributed to the proposer of this Bill, nor did he think that by him it was intended as an affront to the magistracy of this country. He believed that nothing could be further from the intention of his hon. Friend the Member for Montrose, than to offer any affront to them; and on looking to the principles he found embodied in the report that had been alluded to that day, the report of the commissioners of county rates in England and Wales, he was satisfied that by no possibility, in making their recommendations, did they intend any affront to the magistracy. He would not base his support of the second reading of the Bill, in the case he had mentioned, on any belief that the magistrates of England, in the exercise of their functions, had been wanting in a due regard to economy and to those other considerations that ought to guide those who were entrusted with the duties they had to perform. On the contrary, he believed that the magistrates of England, being themselves large contributors, have a great interest in keeping down county expenditure. He was satisfied that it was their desire to keep down such expenditure; and where there had been cases of lavish expenditure, it was only when they had obeyed the statutory enactments with respect to gaols and lunatic asylums. He was bound to say that his hon. Friend seemed totally to misapprehend the position in which the Secretary of State was placed when he considered that he could call upon the magistrates to vary the expenditure, or that they were bound to vary it according to the varying whims of each succeeding Home Secretary. By the Act of George IV. certain obligations were placed upon the magistrates to provide efficient gaols—gaols that would contain all arrangements for classification, and sleeping places for prisoners. He was not prepared to say that in every case the amount of expenditure for every particular gaol or lunatic asylum (over which the Secretary of State has no discretion, except so far as his approbation of the plan is concerned) had been limited within the narrowest amount; neither was he aware of any case where there had been an extravagant expenditure; but the Secretary of State was merely to approve of the plan, and when he did approve of it, the question of expenditure was out of his control. The plan might be executed for different amounts of money, which might be increased by the amount given for the site, or expended upon architectural embellishments, which might be carried on at a greater expense than was necessary. He was not, however, aware of any case of the kind. He thought the magistrates had exercised a watchful care in county expenditure, and in his intercourse with them he had always found them most ready to attend to every suggestion coming from the Secretary of State. He did not mean to say that they were ready servilely to adopt any suggestion coming from him, but they were ready to give it consideration, and either adopt it or give good reason for differing from the Secretary of State. He was not aware of any case in which a difference of opinion existed between them, where there was not a fair ground for it. He did not, however, agree with his hon. Friend opposite, that the whole expenditure of the county rates should be placed in the hands of any one class of persons to the exclusion of all others; and if that were the only question they had to decide, he would vote for the second reading; but when he came to the details of the Bill, he must agree in nearly everything that had fallen from his hon. Friend opposite. But to the details of the Bill, the hon. Member for Montrose did not attach much importance, and he was willing to have them considered in Committee. Those details were objectionable, and the Bill at present was one to which he could not give his assent. In many cases it would, he thought, be found that a Bill of this kind would substitute worse boards than those now existing. With regard to the proportion in which the elected bodies were to stand to the magistrates, he thought that proportion was altogether wrong; and, looking to the interest which the magistrates have in the payment of rates, the preponderance, he conceived, ought to be directly the reverse to that proposed. He wished, however, to guard himself against expressing any opinion beyond this—that the principle of representation was one to which he gave his assent. With regard to the allegation that the present magistracy was a fluctuating body, he thought his hon. Friend opposite did not deal quite fairly with the commissioners as to the manner in which they stated it to be a fluctuating body. It was impossible for any person conversant with public business not to know there are some magistrates who give their constant attendance to the county business, but there are occasions on which fluctuations take place. There are cases on which a very few only attend, but sometimes a greater number are present; and it happens that occasionally the opinions of those who constantly attend are overruled by magistrates who take a very small share in public business. Then there are four quarter-sessions in the course of the year, frequently held, as in the county he represented (the county of Northumberland), at different places. He would not say that, under such circumstances, some of the magistrates did not always attend, but all of them did not always attend; and the consequence is, that the magistracy is a fluctuating body. The hon. Gentleman opposite was willing to have the whole question referred to a Select Committee; and he (Sir G. Grey) must say, that before they carried out this principle, further inquiry was necessary; and if the hon. Gentleman the Member for Montrose should carry the second reading of the Bill, and if the subject then were referred to a Select Committee, he thought the powers of the Committee should be enlarged, and that they should enter into a wider inquiry co-extensive with that of the hon. Baronet opposite. In fact, there was very little practical difference in the two proposals before the House; and when inquiry was made, the Committee could come to a decision unfettered by any plan. As to the county rates, he found, by a return lately presented to the House, giving an abstract of accounts from county treasurers in England and Wales, in reference to the payments in 1847 and 1848, that the payments made by the Treasury in 1848 amounted to 133,000*l.* more than the payments in 1847.

Sir J. PAKINGTON begged to set the right hon. Gentleman right as to the true cause of the difference, as it was very important that there should be no misunderstanding on the subject. The difference arose in this way—the new regulation only commenced in 1846, and, therefore, in the first half year of 1847 it was not in actual operation.

Sir G. GREY said, that his attention had been called to the subject by one of the Judges of assize, at the close of one of their largest circuits. He had, therefore, called for information on the subject, and that information might form the groundwork for putting some effective check on this expenditure. He had got returns of the expenditure at the assizes and quarter-sessions, which could be referred to a commission, consisting of a few gentlemen possessing knowledge on the subject, in order that some control might in future be applied to it.

Mr. HENLEY thought the right hon. Gentleman should have better considered the question with regard to the increase of some items of county expenses before he called the attention of the House to it, and he might have contrasted, somewhat more favourably for the county magistrates, the expenses of assize and the expenses of sessions prosecutions. With regard to assize prosecutions, the magistrates had nothing to do but to pay the bill. [The Attorney General: The committing magistrate has.] The committing magistrate has control over the payment of some expenses before committal. They form part of the whole expenses, and are regulated by scale; but the great expense incurred was in that part of the matter settled by the clerk of assize, and over that portion of it no one but the judge had any control. He admitted that the judge could not exercise a sufficient control over it, for he had not time, and it was done in a great hurry. The county treasurer was bound to pay on the certificate of the clerk of assize, and the magistrate had nothing to do with it but to see that the check was produced for the sum ordered to be paid. He thought it better to go into Committee on the whole subject, and he was sure there could not be any objection to the reduction of county expenditure. He believed that the expenditure in connexion with county business had been conducted with much greater economy under the existing authority than that required under the poor-law, which was under the control of the Government. However unwilling he was to be considered as opposed to the principle of popular representation, he still felt it his duty to oppose this Bill on the ground that it would not work, and he hoped that the hon. Member for Montrose would consent to have the Bill referred to a Select Committee.

MR. VERNON SMITH said, that the difference between the two propositions before the House was simply that one of them was of a more practical nature than the other. By rejecting the second reading of this Bill, they refused to affirm its principle; and by so doing they would not only not affirm the principle of popular representation, but they would practically support the principle of the hon. Member for Droitwich, who considered popular representation as an entire fallacy. The old argument against the passing of the Reform Bill had been reiterated in the course of the debate—that the present system worked well, and that there was, therefore, no need of interference. It had also been said that the Bill was an insult to the gentlemen of the country who acted in the capacity of magistrates. He did not think that anything of the kind was intended by the measure. He denied that the body proposed to be constituted by this Bill would be a more fluctuating one than that which now existed. Looking at the great increase of the county rates, he felt deeply convinced of the necessity of establishing the principle of popular representation, with a view to an efficient control of the expenditure.

MR. WILSON PATTEN concurred in the censure which had been cast on those county magistrates who, having property, did not efficiently discharge their duties; but he must say that those with whom he was connected were not open to that charge. He could not understand how the hon. Member for Montrose, who professed to be the advocate of popular representation, had introduced a measure in which the principle of representation was not efficiently carried out. His (Mr. Patten's) constituents were anxious to obtain a share in the management of the county rates, and he did not see why the ratepayers should not elect the magistrates for the county board. He agreed with the hon. Baronet the Member for Droitwich in thinking that the county rates ought to be entirely thrown upon the landlords, and not upon the occupiers, who, not having a permanent interest in improvements, would be perfectly justified in refusing to vote money for that purpose. He considered the present law altogether inadequate for effecting a re-assessment of the county rates, and thought it desirable that a power should be given for enforcing such re-assessment. Should the Bill be referred to a Select Committee, that and many other important points might be fully considered. He, therefore, recommended the hon. Member for Montrose to allow the whole subject of county rates and county expenditure to be considered by such a Committee.

MR. ROEBUCK said, the hon. Member who had moved the Amendment was opposed to the introduction of the principle of representation into the county rates. [Sir J. PAKINGTON dissented.] If the hon. Member admitted the principle, well and good. The right hon. Baronet the Home Secretary was of opinion that the principle of representation ought to be introduced. Now, after what had taken place, and looking at the Amendment, he was at a loss to conceive whether the House admitted the principle of the Bill or not. It was most desirable to come to some decision on that point. He, therefore, asked the right hon. Gentleman to vote against the Amendment, and to affirm the principle of the Bill, and then to let the Bill be referred to a Committee. What was the principle which the House was called upon to decide? According to the proposition of the hon. Member for Droitwich, any man who acquired property took a certain standing in a county, and was in a position to become a magistrate, and not only to become a magistrate, but to tax the people. Now, it was an acknowledged principle that the people ought to have a voice in their taxation. In towns, the great principle of representation had been introduced, and he wished to extend to counties the rights enjoyed by municipalities. His hon. Friend the Member for Montrose did not ask the House, at the present moment, to agree upon any mode of carrying out his plan, but merely to take the single step of affirming the principle of the measure; and he trusted the right hon. Gentleman the Home Secretary, having acknowledged the principle, would not suffer a resolution to pass which, by a side wind, would get rid of that principle. A Government ought to be able to avow a policy, and stick by it. They ought not to keep their places by avoiding all great questions that might arise, but when they agreed upon a principle, it was their duty to stand by it. They ought to govern the country upon a settled, clear, understandable policy, and not to go on avoiding difficulties by referring them to Commissions or Committees. He hoped the time was coming when such a Government would not be the Government of the country, and he trusted the right hon. Baronet would not lend his support to such a weak, vacillating mode of proceeding. The right hon. Baronet having admitted the principle, ought to act as the general of the party on this occasion, and allow them to fight under his banner. He trusted the right hon. Baronet would negative the Motion of the hon. Member for Droitwich, who was opposed to the principles which he (the right hon. Baronet) had enunciated.

Sir G. GREY wished to state distinctly the course which, in his opinion, ought to be taken, in order that hon. Members might be under no misapprehension. If the hon. Member for Droitwich had persevered in his original Motion, "that the Bill be read a second time this day six months," the question at issue would have been stated by the hon. and learned Member for Sheffield—namely, shall we admit the principle of representation into the financial board for assessing the county rates and administering the county expenditure, or reject that principle? If that was the point at issue, he (Sir G. Grey) should have no hesitation in voting for the second reading of the Bill, greatly as he disapproved of many of its details. But the hon. Member for Droitwich had waived that Motion, and came forward with a proposition which appeared practically to lead to the same result—namely, that a Committee be appointed to consider the whole question of levying, administering, and assessing the county rates. The hon. Member did not ask the House to reject the principle altogether. If he (Sir G. Grey) was to be bound by the speech of the Mover of the Amendment, he had a right to appeal to the speech of the hon. Member by whom it was seconded, who was favourable to the principle of representation, as was also the hon. Member for North Lancashire. If the proposition of the hon. Member for Droitwich should be adopted, the House would not have admitted the principle of the Bill, nor would they have rejected it. The hon. and learned Member for Sheffield said it was a weak and vacillating policy to refer questions of this kind to Committees. But that was not his (Sir G. Grey's) proposition, but that of the hon. Member for Montrose, who admitted that he was not prepared to defend all the details of the measure. If the Bill should be referred to a Committee, the province of that Committee must be enlarged, and they must institute such an inquiry as that suggested by the hon. Member for Droitwich; and as the Bill could not be passed during the present Session, the practical result would be the same.

Sir J. PAKINGTON said, that his argument had been misrepresented by the hon. and learned Gentleman the Member for Sheffield, and he, therefore, wished to say a word in explanation. He had not said one word as to whether he approved or disapproved of the principle of representation. He had expressed his doubts whether, considering the extent to which the judicial and financial duties of the county magistrates were interwoven, it would be possible to adopt that principle in the administration of the county finances.

Mr. PACKE said, that he felt much indebted to the hon. Member for Montrose, by whom the present Bill had been introduced; and for this, amongst other reasons, he felt obliged to that hon. Gentleman—that the discussion to which the Bill had given rise had had the effect of dispelling any impression that might have existed as to unfairness respecting the administration of the rates. It must now be seen how little discretion the magistrates really possessed, and therefore he trusted it would be evident to the House that the Bill was neither more nor less than a direct affront to the magistracy of England. He admitted that it would be highly desirable to establish the principle of representation in all county matters, but he doubted the practicability of any attempt having such an object in view.

MR. CORNEWALL LEWIS said, he understood that the hon. Member for Montrose had proposed that the question now before the House should be referred to a Select Committee.

MR. HUME observed that that was a mistake. What he said was, that he wished the principle of the Bill to be first acknowledged, and then he should have no objection to its being sent before a Select Committee.

MR. CORNEWALL LEWIS replied, that the effect of sending it before a Select Committee would be to refer the whole question to that Committee. As to the principle of representation in the management of county matters, he had only to say, that he had often heard it stated that those rates were imposed by persons not necessarily having a direct interest in the matter. Although it was, generally speaking, true that county magistrates were persons possessing estates in the counties for which they were in the commission, yet, as was well known, there existed no absolute necessity for their possessing more than a residence within the county. When they were told that the rates were not imposed by the ratepayers, they were told that which was perfectly true, but it would be only fair at the same time to state that the principle of representation had never been fully introduced into the system of our local taxation. In the case of the poor-rates, and in that also of the road-rates, the ratepayers never had possessed any choice with respect to the persons by whom those rates were to be imposed. Until the year 1834 the ratepayers had no choice whatever. As to the roads, as great a sum as 3,000,000*l.* annually was collected from the people of England for the purpose of maintaining those roads, but no portion of that sum had ever been levied with the consent of the parties who paid it. The money paid for roads might be regarded as consisting of two portions—that which was paid to trustees, and that which was paid on account of highways. The trustees, as was well known, were not chosen upon any principle of popular representation, and it was not even asserted that they were under any control, while the highway rate was made by the surveyor on his own authority. Now, if the present Bill and the question which it raised were to be referred to a Select Committee, it would be for them to determine how far and in what manner the principle of representation was to be carried out. It was also an important question to determine whether the whole should be paid by the owners or the occupiers of the land. For his own part he certainly thought that the principle of deducting rates paid by tenants from rents due to landlords might be carried out further than it had been; and, in conclusion, he strongly advised the House, if they referred the matter to a Select Committee, to refer to that Committee also the incidents of the tax as well as the expenditure of the rates. He quite agreed with those who thought that the time had arrived when the whole subject ought to be examined by a Committee, with the view of determining the course of legislation that ought to be pursued.

MR. W. MILES said, he came down to the House determined to oppose the Bill and the principle upon which it was founded, because it manifestly cast a slur and an indignity on the magistrates of England. Since the discussion commenced, his hon. Friend the Member for Droitwich had altered his Amendment; and if he (Mr. W. Miles) were called upon to say whether in the event of a Committee being appointed, the subject of representation ought to be referred to them, he should answer in the affirmative. It was his opinion that they ought to let the whole question, in all its parts come before a Committee; local taxation and local expenditure alike. From the examination which would probably be instituted by such a Committee, he conceived that many advantages were likely to accrue, and amongst others this, that such a Committee would have the means and opportunity to compare the expenditure of one county with that of another, for the purpose of seeing which was the most economical, and on the whole most advantageous. While upon this point he thought it right to inform the House that of late years a very strict economy had in many counties been practised, and that most of them had permanent committees for promoting economy; to such committees he should have no objection to see ratepayers added, if practicable. If they took the poor-law unions as the basis of legislation, he did not hesitate to say that in nine cases out of ten the magistrates would be elected. With respect to the vote which he was about to give, he should say, that the principle of the Bill was so mixed up with the details that he must vote against it, not because he objected to the principle of representation, but because he thought the Bill cast a slur on the magistracy.

Mr. EVELYN DENISON observed, that unlike the hon. Gentleman who spoke last, he came down to support the Bill. He regretted some expressions which had been dropped by the hon. Gentleman who moved the Amendment, and he regretted also to hear it said that the gentlemen of England did not do their duty. He likewise regretted the necessity which he felt himself under of differing from the right hon. Member for Northampton, and he thought it would be better that they should go into Committee on the whole measure without being prejudiced by any vote at which the House might arrive. As the Secretary of State for the Home Department had expressed himself favourable to the principle of representation, he should support the proposition made by his right hon. Friend.

Mr. SPOONER regarded the Bill as one, not of admission, but of exclusion. He was favourable to the principle of representation; but he looked at the Bill, and, so far from seeing in it anything of representation, he found it to be a Bill of exclusion. He should therefore object to its going before a Committee, even supposing it should pass the second reading.

Lord BROOKE said, he did not rise to make any observations on the Bill generally; but the measure appeared to him to be most important, and he conceived it would be wrong to create, by any vote of the House, a prejudice in the minds of a Select Committee. The hon. Member for Montrose objected to the proposition of the right hon. Baronet, on the ground that the principle of the measure had not been previously acknowledged. Now, if the House felt disposed to grant the Committee, he hoped they would do so without acknowledging the principle of the Bill, but rather leave the Committee perfectly free and unshackled.

Mr. SLANEY recommended his hon. Friend the Member for Montrose to assent to the appointment of a Committee, in the manner proposed by the right hon. Baronet the Secretary for the Home Department. He did so as a sincere Friend of the principle of representation, which indeed had been assented to by many hon. Gentlemen opposite.

Mr. HUME, in reply, said, he desired to state to the House, before they divided, the object which he had in view. The hon. Gentleman the Member for Droitwich said he objected to the Bill because it cast a slur upon country gentlemen; but, for his part, he saw no slur cast upon any one. The object which he desired to carry out by the Bill was the representation of the ratepayers at the county boards; and he had already said to the House, if the details were defective, he had no objection it should go before a Committee; but he asked them now to affirm the principle of representation by reading the Bill a second time. If the House wished to enlarge the powers of the Committee to embrace the whole question, he concurred, and only desired that the Committee should conduct their investigation with the principle of representation steadily before them. He must say, he was extremely sorry he was deceived by the Government; indeed, to use a common word, he was sold. He had sent to the Secretary for the Home Department to ask him to introduce the Bill; but the answer which he got was, that he approved of the principle of the Bill, but could not introduce it. He then sent to the Prime Minister, who returned him a similar answer. He therefore expected, when the Bill was introduced, to have got the support of the Government, and he never looked to be sold in this way. Hon. Members who concurred with him in the principle of representation would vote for the second reading.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 96; Noes 154: Majority 58.

List of the Ayes.

Adair, H. E.
Anson, hon. Col.
Anson, Visct.
Bass, M. T.
Bennet, P.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Blake, M. J.
Bouverie, hon. E. P.
Brotherton, J.
Brown, W.
Bulkeley, Sir R. B. W.
Bunbury, E. H.
Busfeild, W.
Buxton, Sir E. N.
Carter, J. B.
Clay, Sir W.
Cobden, R.
Colebrooke, Sir T. E.
Colvile, C. R.
Cowan, C.
Dalrymple, Capt.
D'Eyncourt, rt.hn. C.T.
Duncan, G.
Ellis, J.
Evans, Sir De L.

Evans, W.
Ewart, W.
Fagan, W.
Fergus, J.
Ferguson, Col.
Foley, J. H. H.
Fox, W. J.
Frewen, C. H.
Gibson, rt. hon. T. M.
Granger, T. C.
Greene, J.
Grenfell, C. P.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A,
Headlam, T. E.
Henry, A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Jackson, W.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
Meagher, T.
Martin, S.
Maule, rt. hon. F.
Mitchell, T. A.
Molesworth, Sir W.
Mostyn, hon. E. M. L.
Mowatt, F.
O'Brien, J.
O'Connell, J.
O'Flaherty, A.
Pearson, C.
Pechell, Capt.
Perfect, R.
Philips, Sir G. R.
Pilkington, J.
Reynolds, J.
Ricardo, J. L.
Rice, E. R.
Robartes, T. J. A.
Roebuck, J. A.
Scholefield, W.
Scully, F.
Shafto, R. D.
Smith, rt. hon. R. V.
Spearman, H. J.
Stansfield, W. R. C.
Strickland, Sir G.
Stuart, Lord D.
Talfourd, Serj.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Verney, Sir H.
Villiers, hon. C.
Wall, C. B.
Walmsley, Sir J.
Wawn, J. T.
Williams, J.
Wilson, M.
Wood, W. P.

TELLERS.

Hume, J.
Bright, J.

List of the NOES.

Acland, Sir T. D.
Adair, R. A. S.
Adderley, C. B.
Anstey, T. C.
Arkwright, G.
Armstrong, Sir A.
Bailey, J.
Baines, M. T.
Baldock, E. H.
Barrington, Visct.
Bellew, R. M.
Benbow, J.
Beresford, W.
Blackall, S. W.
Blair, S.
Brackley, Visct.
Bramston, T. W.
Bremridge, R.
Bromley, R.
Brooke, Lord
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H. N.
Carew, W. H. P.
Charteris, hon. F.
Cholmeley, Sir M.
Christopher, R. A.
Clifford, H. M.
Clive, H. B.
Codrington, Sir W.
Coles, H. B.
Cowper, hon. W. F.
Cubitt, W.
Damer, hon. Col.
Dawson, hon. T. V.
Deedes, W.
Denison, E.
Denison, J. E.
Disraeli, B.
Divett, E.
Dod, J. W.
Dodd, G.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duncuft, J.
Dunne, F. P.
Du Pre, C. G.
Egerton, W. T.
Estcourt, J. B. B.
Euston, Earl of
Farnham, E. B.
Farrer, J.
Fellowes, E.
Floyer, J.
Forster, M.
Freestun, Col.
French, F.
Fuller, A. E.
Galway, Visct.
Gladstone, rt. hn. W. E.
Grace, O. D. J.
Granby, Marq. of
Greenall, G.
Greene, T.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Gwyn, H.
Haggitt, F. R.
Halford, Sir H.
Harcourt, G. G.
Harris, hon. Capt.
Heathcote, G. J.
Henley, J. W.
Hildyard, T. B. T.
Hodges, T. L.
Hodgson, W. N.
Hood, Sir A.
Hope, Sir J.
Hornby, J.
Hotham, Lord
Howard, Lord E.
Howard, hon. C. W. G.
Jervis, Sir J.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Lacy, H. C.
Legh, G. C.
Lemon, Sir C.
Lewis, G. C.
Lewisham, Visct.
Lindsay, hon. Col.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lygon, hon. Gen.
Macnaghten, Sir E.
M'Neill, D.
M'Taggart, Sir J.
Maitland, T.
Manners, Lord C. S.
Manners, Lord G.
Marshall, W.
Martin, C. W.
Matheson, Col.
Miles, P. W. S.
Miles, W.
Moody, C. A.
Mullings, J. R.
Mundy, W.
Mure, Col.
Napier, J.
Neeld, J.
Newdegate, C. N.
Nicholl, rt. hon. J.
Norreys, Lord
Nugent, Sir P.
Packe, C. W.
Patten, J. W.
Peel, Col.
Pigott, F.
Plumptre, J. P.
Portal, M.
Powlett, Lord W.
Prime, R.
Pugh, D.
Reid, Col.
Richards, R.
Robinson, G. R.
Rushout, Capt.
Sandars, J.
Simeon, J.
Slaney, R. A.
Smyth, J. G.
Smollett, A.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanley, E.
Stanley, hon. E. H.
Tollemache, J.
Trollope, Sir J.
Tyrell, Sir J. T.
Vesey, hon. T.
Vivian, J. E.
Waddington, H. S.
Watkins, Col. L.
Wellesley, Lord C.
Westhead, J. P.
Wodehouse, E.
Worcester, Marq. of
Wortley, rt. hon. J. S.
Wyvill, M.

TELLERS.

Palmer, R.
Pakington, Sir J.

MR. MILNER GIBSON proposed an addition to the proposition of the hon. Member for Droitwich, which would have the effect of referring to the same Committee the principle of representation in the constitution of the county boards.

Question proposed, "That the proposed words be there added."

Amendment proposed to the said proposed Amendment, by inserting after the word "ascertain," the words "the best mode of arranging an effective control on the part of the Ratepayers over the County Expenditure and:"—

Question proposed, "That those words be there inserted."

MR. BECKETT DENISON said, he could see no reason for rejecting the addition proposed by the right hon. Member for Manchester. If the Bill of the hon. Member for Montrose had been sent to a Committee, the hands of the Committee would have been tied up; but now they could conduct their inquiry into the whole subject. But while he said so, he, for one, could not come to the conclusion that representation should form a part of the system, until he could see that it would work. His doubt was, whether a plan could be devised whereby representation could be carried out in county boards with any satisfaction to the Members themselves, or those whom they represented. If such a plan could be devised, it had his concurrence with all his heart. He would only detain the House while he adverted to the case of the West Riding of Yorkshire, which had been alluded to in the debate as an illustration. He had a statement by him of the expenditure since 1841, to which the hon. Member for North Lancashire alluded as showing the increase that had taken place up to 1848; and he could explain the reason of that increase if he felt at liberty to trespass on the time of the House. He would only remind them of the increase since 1841 in the number of prisoners, the enlargement of the prisons, the enlargement of Wakefield prison for instance, to hold 400 convicts, and the building of an asylum. These extra expenses, he hoped, would soon come to an end; but in the meantime they were necessary. The Government had now undertaken to pay the expenses of the county prosecutions, which, with the completion of the necessary buildings, would soon reduce the expenditure of the West Riding within a small compass.

Mr. HUME was glad to hear the hon. Gentleman's concurrence in the principle of representation. Whether the plan now submitted to the House were the best or not, it was not for him to say, now that the plan which he had laid before them had been negatived.

Mr. DISRAELI said, the question before them now was, whether the principle of representation should be referred to a Committee. He must express his opinion that no settlement of that question could give satisfaction but that which should take place in that House. The popular assembly was the only arena for that question. He objected, therefore, to that question being referred to a Committee. They might direct the labours of the Committee. The hon. Member for Droitwich would direct them to subjects which might be most beneficially and satisfactorily discussed there; but no settlement of the question of representation for our rural districts could be satisfactory, and that House was as competent now as ever to take it into their consideration. The representative system in the counties depended on a principle of which they could not weigh the importance — of which they must well weigh the consequences, and which they must first accurately consider. It was a slur—they had heard a great deal that day about a slur—it was a slur upon the House of Commons to suppose that they were incompetent to enter upon this great constitutional question, for such it was, without the preliminary labours and the advantage of the researches of a Select Committee. As the House had resolved that a Select Committee should investigate other subjects, he had nothing to say to that; he addressed himself to the question whether that principle should be referred to that Committee. He hoped the right hon. Member for Manchester would not persist in his proposition; it would be but a waste of their time, and the labours of the Committee were unnecessary.

Mr. ROEBUCK rose to explain that what he had said before, and what he repeated now, was not that they should send the principle of representation before the Committee, but that, being appointed by the House, the Committee should investigate the management and working details of the principle. They assumed the principle, and only proposed to send the details for the practical carrying out of it before the Committee. He believed that, during the whole Session, they had not had so important a Bill before them as the one they had been discussing that day. He expected then to have seen such a Bill, on so large, so grave, so important a subject, brought in and advanced by the Government; but instead of that it was left to a private Member, whose industry was always ready for a great object, and left to him, little countenanced or supported by the Government.

Sir G. GREY said, he did not understand whether the hon. and learned Gentleman referred to the course adopted by the Government, or that pursued by himself in the course of the debate. If he complained of the first, he must inform him that it was not many weeks since a deputation from Manchester, where the Bill, he believed, originated, waited on him, and wished the Government to introduce the Bill this Session. He said, he refused to pledge the Government to the Bill for the present Session. He did not think any hon. Gentleman was bound to oppose a Bill which contained principles in which he concurred. At the same time, if the question had been plainly whether or not he approved of the representative principle, as applied to financial boards, he should have voted in favour of the second reading, in order to affirm that principle. But that issue was not taken. He objected, however, to the practice of reading Bills imperfectly framed the second time, and then referring them to a Select Committee.

Mr. BRIGHT reminded the right hon. Baronet that he had not stated his opinion as to the Amendment now before the House.

Sir G. GREY had not the slightest objection to it, except that the words limited the control to the ratepayers, whereas the control of the Treasury over their very large expenditure would be essential.

Mr. BRIGHT said, that every Member who had spoken in the debate had more or less supported the principle of representation. It must be admitted by every person that it was monstrous and intolerable for the sum of 1,500,000*l.* to be annually spent without any control by those who contributed to it. In all constituencies, rural as well as urban, there was a growing feeling upon this subject which it was desirable to satisfy. If, then, all or nearly all were agreed upon this principle being introduced in some shape or other, no hon. Gentleman could object to the introduction of words which gave merely the general sanction of the House to the principle of representation and the control of the ratepayers.

Sir J. PAKINGTON would state his view upon the addition proposed by the right hon. Gentleman the Member for Manchester. After maturely considering the words, he could not find himself at liberty to accede to their insertion into the Motion quite so readily as some hon. Members seemed disposed to expect. He had endeavoured to meet the question as fairly as he possibly could; he had waived his original Amendment, which went to the rejection of the Bill altogether, and moved for a Select Committee to inquire into the whole subject; and he appealed to the House whether that was not a fair mode of meeting the question. But the words proposed by the right hon. Gentleman would be equivalent to affirming the second reading of the Bill, for they ran as follows:—

> "And this Committee shall inquire, with a view to ascertain the best mode of arranging an effective control, on the part of the ratepayers, over the county expenditure."

That was to say, the Amendment assumed that the control of the ratepayers over county expenditure had been conceded by the House. Such, however, was not the case. It was the object of the inquiry he proposed, to ascertain whether that should be done, and not to assume it. He had expressed no opinion against the adoption of the principle of representation. The question was not whether the House approved of the abstract principle, but whether it was consistent with the present mode of administering the affairs of counties. The practicability of it might be referred properly to a Committee. He was not disposed to prejudge the decision of the Committee, but he repeated that these words assumed the principle, and only left the Committee to inquire into the best mode of carrying it out. For these reasons, he could not consent to their adoption without taking the sense of the House upon them.

Mr. WILSON PATTEN said, those Members who agreed with the principle of representation would not object to the words being introduced; but those who wished for inquiring whether it could be carried out, would vote against them. He had made up his mind as to the principle of representation, and had voted against the second reading of the Bill; but he had no objection to the insertion of the words, because he thought the Committee might usefully inquire into the whole subject, to see how far the principle could be carried out.

The ATTORNEY GENERAL agreed that those who were desirous of having the elective system would vote for the words; but he also thought that those who were not prepared to agree to it might equally vote for them, because they went to give an effective control on the part of the ratepayers over the expenditure. Some would say the best control was by auditors elected by the ratepayers; some by the magistrates themselves. That was the subject for consideration. His right hon. Friend, as he understood, only wanted it considered, and that, it appeared to him, was the real question.

Mr. W. MILES suggested that the inquiry should be to ascertain "whether any or what control over the expenditure on the part of the ratepayers could be advantageously introduced."

Sir W. JOLLIFFE said, the words of the Amendment no more fettered the question of representation than the original proposition. The only doubt he had was, whether representation would secure good management and economy; and he should be glad to make the whole question before the Committee as open as possible. The present system was as economical, though it might not be so satisfactory in some other respects, as any we were ever likely to enjoy. Representation had been introduced into the administration of the poor-law, but he denied that it had effected economy. On the contrary, it had made it more expensive than before. He assured the House that in the metropolitan county of which he had the honour to be a magistrate, that more inquiry was made into the expenditure of a penny than that House made into the expenditure of a pound.

MR. GLADSTONE considered that the discussion on this question was owing to the manner in which the right hon. Gentleman had proposed the Amendment. He had not recommended it as involving the assertion of an important principle for the first time, but as a means of enlarging the field of inquiry in Committee. If hon. Members voted for it, they ought to consider that it involved the assertion of a most important principle, and in this respect he differed from the hon. and learned Gentleman the Attorney General. It was impossible, he thought, for any Member to vote for the Amendment who had not made up his mind that there ought to be a control by the ratepayers, for that was what the words involved. He was himself disposed to adopt the principle as far as he comprehended the question; but the House ought to understand that in adopting the Amendment it would not be open to argument or question in Committee, whether there ought to be an elective system or not. That there ought to be an elective system, would be carried if the Amendment were adopted; and the only question in Committee would be how to carry it out. If the object only was to enlarge the field of inquiry, the words suggested by his hon. Friend the Member for Somersetshire would best accomplish it.

[House cleared for a division; but an hon. Member having moved the adjournment of the House by way of Amendment to the question of division,]

MR. DISRAELI said, that there had been an attempt to obtain success, which did not appear to be frank and straightforward. The Attorney General had made a speech which seemed to carry conviction to those around him; yet the Attorney General had made misrepresentations of a very flagrant character. He had said, that the Amendment of the right hon. Gentleman the Member for Manchester merely called upon this House to sanction the principle that there should be an effective control of the expenditure of the county rates; and he appealed to all hon. Gentlemen opposite whether that was a principle to which they could object. But the words "on the part of the ratepayers" were omitted.

The ATTORNEY GENERAL begged to assure the hon. Member that he was mistaken. The words were not omitted.

MR. DISRAELI: His impression was not a solitary impression, but was shared in by every Gentleman who sat near him. He would, however, take the word of the hon. and learned Gentleman, that he fairly stated the Amendment of the right hon. Member for Manchester as proposing an effective control on county expenditure on the part of ratepayers: how could he contend at the same time that that was not an admission of the representative principle? He gave the hon. and learned Gentleman the choice of either of these circumstances, and the result would be, in either case, highly unsatisfactory to the impression which he wished to convey. He recurred to the point which he had endeavoured to impress upon the House. He said that this important principle ought to be submitted to ample, public, and frank discussion. It had not been submitted to that ordeal. He did not believe that half the Members in the House during the discussion were aware of what was at stake, and he was convinced that their views had been altered on the question as the discussion was going on. This was not a settlement of a great principle which ought to be satisfactory even to hon. Gentlemen opposite. He gave no opinion on the merits of the principle. He had said nothing for or against the introduction of the representative principle in the administration of county rates. He was prepared on the proper occasion to enter into that discussion. He thought the discussion ought to take place in this House, and ought not to be trusted to the investigation of a Committee, which, in his opinion, would be useless; but he asked any Gentleman present, had there been a fair and frank discussion of the principle? and if there had not been a fair and frank discussion, he said the recognition of the principle as now proposed would not be satisfactory to the country. Every Gentleman felt that it would not be satisfactory. It could not be the subject of legitimate triumph even to those who were the most ardent advocates of the introduction of the representative principle into the administration of county rates. It ought not to be asserted as a triumph, if they retired from the House, and felt that they had obtained their purpose by a manœuvre. He should oppose, by every constitutional means, the hasty and precipitate settlement of this question.

The ATTORNEY GENERAL said, that the hon. Member for Buckinghamshire had thought fit to accuse him of an unintentional mis-statement. He hoped the hon. Gentleman would now do him the favour, which he had not accorded him before, of attending to him. The hon. Gentleman had either been present whilst he (the Attorney General) was speaking, or he was absent, as indeed he was during the earlier part of the debate. And he had availed himself of his absence, and of his consequent ignorance of what had passed, to misrepresent what hon. Members had stated. What he (the Attorney General) had said was, that those who agreed in the principle of representation and those who were opposed to it might equally vote for the Amendment, and he then read the words, which he would now read again. The hon. and learned Gentleman accordingly again read the words, and repeated his comments upon them. He now gave the hon. Gentleman his choice of a dilemma; for he had either attacked him in total ignorance of what had occurred, or he had availed himself of his absence from the debate to bring an unfounded charge, and was guilty of having recourse to a manœuvre by which he endeavoured to obtain an advantage.

Motion made, and Question put, "That the debate be now adjourned."

The House divided:—Ayes 83; Noes 131: Majority 48.

List of the AYES.

Anstey, T. C.
Arkwright, G.
Bailey, J.
Baillie, H. J.
Baldock, E. H.
Barrington, Visct.
Bennet, P.
Beresford, W.
Blackall, S. W.
Boldero, H. G.
Bromley, R.
Brooke, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Carew, W. H. P.
Cholmeley, Sir M.
Christopher, R. A.
Codrington, Sir W.
Coles, H. B.
Davies, D. A. S.
Deedes, W.
Denison, E.
Dick, Q.
Disraeli, B.
Dod, J. W.
Dodd, G.
Drummond, H.
Drummond, H. H.
Duckworth, Sir J. T. B.
Dunne, F. P.
Du Pre, C. G.
Egerton, Sir P.
Estcourt, J. B. B.
Farnham, E. B.
Farrer, J.
Floyer, J.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gwyn, H.
Haggitt, F. R.
Halford, Sir H.
Harris, hon. Capt.
Hodgson, W. N.
Hood, Sir A.
Hope, Sir J.
Hornby, J.
Hotham, Lord
Jolliffe, Sir W. G. H.
Lacy, H. C.
Legh, G. C.
Lewis, rt. hon. Sir T. F.
Lewisham, Visct.
Lockhart, W.
Manners, Lord C. S.
Manners, Lord G.
Maxwell, hon. J. P.
Miles, W.
Moody, C. A.
Mullings, J. R.
Mundy, W.
Napier, J.
Neeld, J.
Newport, Visct.
Nicholl, rt. hon. J.
Packe, C. W.
Pakington, Sir J.
Plowden, W. H. C.
Powlett, Lord W.
Prime, R.
Reid, Col.
Renton, J. C.
Richards, R.
Stafford, A.
Stanley, E.
Stanley, hon. E. H.
Stuart, J.
Trollope, Sir J.
Tyrell, Sir J. T.
Vesey, hon. T.
Waddington, H. S.
Wodehouse, E.
Worcester, Marq. of

TELLERS.

Sotheron, T. H. S.
Henley, J. W.

List of the NOES.

Adair, H. E.
Adderley, C. B.
Aglionby, H. A.
Anson, hon. Col.
Baines, M. T.
Bass, M. T.
Bellew, R. M.
Berkeley, hon. H. F.
Blair, S.
Blake, M. J.
Bouverie, hon. E. P.
Bramston, T. W.
Bright, J.
Brotherton, J.
Brown, W.
Bulkeley, Sir R. B. W.
Bunbury, E. H.
Campbell, hon. W. F.
Carter, J. B.
Clay, Sir W.
Cobden, R.
Dalrymple, Capt.
Denison, J. E.
D'Eyncourt, rt. hon. C. T.
Divett, E.
Duncan, Visct.
Duncan, G.
Duncuft, J.
Ebrington, Visct.
Ellis, J.
Evans, W.
Ewart, W.
Fitzroy, hon. H.
Forster, M.
Fox, W. J.
Freestun, Col.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Goulburn, rt. hon. H.
Grace, O. D. J.
Granger, T. C.
Greenall, G.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hayter, rt. hon. W. G.
Heald, J.
Henry, A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Jackson, W.
Jervis, Sir J.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Lewis, G. C.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
M'Taggart, Sir J.
Meagher, T.
Mahon, The O'Gorman
Mahon, Visct.
Maitland, T.
Mangles, R. D.
Marshall, W.

Martin, C. W.
Matheson, Col.
Milner, W. M. E.
Mitchell, T. A.
Molesworth, Sir W.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Nugent, Lord
Nugent, Sir P.
O'Brien, J.
Ogle, S. C. H.
Palmer, R.
Palmer, R.
Patten, J. W.
Pearson, C.
Pechell, Capt.
Peto, S. M.
Philips, Sir G. R.
Pilkington, J.
Portal, M.
Pugh, D.
Rice, E. R.
Robartes, T. J. A.
Robinson, G. R.
Roebuck, J. A.
Russell, F. C. H.
Scholefield, W.
Scully, F.
Slaney, R. A.
Smith, M. T.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Spooner, R.
Stansfield, W. R. C.
Strickland, Sir G.
Stuart, Lord D.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Trelawny, J. S.
Tufnell, H.
Verney, Sir H.
Vivian, J. H.
Wall, C. B.
Walmsley, Sir J.
Watkins, Col. L.
Wawn, J. T.
Williams, J.
Willyams, H.
Wilson, M.
Wood, W. P.
Wyvill, M.

TELLERS.

Gibson, rt. hon. T. M.
Hume, J.

LORD BROOKE said, that as the House had affirmed that if they consented to go into Committee, the principle was established, and as he felt that required further consideration he moved, "That the House do now adjourn."

MR. CHRISTOPHER, as representative of a large constituency interested in the county rates, thought it advisable that Government should let the House know what the instructions were for the Select Committee, or else that the right hon. Gentleman the Member for Manchester should withdraw the Amendment of which he had given notice. If he refused to do so, he would second the Motion for the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."

MR. HUME said, that there could be no doubt that the course which was taken was intentionally to create delay. Even hon. Gentlemen who admitted the principle had voted for the postponement. He thought it would be more becoming the character of county Gentlemen for them honestly to come forward and say whether they would admit, or not admit, the principle of control, by representation, over the expenditure of county rates, and not to take the course which they now took for delay. He was prepared to consent to any mode by which the Committee might think fit to carry out the principle of representation. Why did not the county Gentlemen manfully come forward and say, "We do not wish for popular representation, and, on that ground, we will use every means to defeat your plan." Instead of that they meanly shrunk from openly avowing their opinions. He did not care about being beaten, provided he was fairly beaten; but he could not submit to be defeated by an evasion inconsistent with the character of the House, and inconsistent with the high station which hon. Gentlemen opposite held. The hon. Member for Buckinghamshire had truly stated that this question was second to none that had ever been brought forward. The question was whether the county ratepayers were to be put in the situation in which the ratepayers of every borough were put, namely, to have a voice in the election of those who taxed them for the county expenditure.

SIR J. PAKINGTON appealed to the House whether or not he had met the Motion as fairly and frankly as possible? He thought they had much more to complain of the course pursued by the right hon. Member for Manchester.

MR. BECKETT DENISON said he was in favour of the principle, but he had voted as he had done, in consequence of the difference of opinion which existed relative to the words of the Amendment between two great authorities in that House.

And it being Six o'clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, June 14, 1849.

MINUTES.] PUBLIC BILLS.—1^{a} Transportation for Treason (Ireland); Highways (Annual Returns).
3^{a} Turnpike Trusts Union; Protection of Women.

PETITIONS PRESENTED. From Hertfordshire, and Bristol, for the Adoption of Measures for the future Prevention of the Sale of Tithes.—From Aberystwyth and Dolgelly, for Extending the Jurisdiction of County Courts.—From Shropshire, Bath, and other Places, against the Parliamentary Oaths Bill.—From Staines, that Boards of Guardians may be Empowered to grant Superannuation Allowances to Poor Law Officers.—By the Earl of Clare, and the Archbishop of Canterbury, from Places in London and several other Towns, for the Suppression of Seduction and Prostitution.—From the University of Cambridge, against any Alteration of the Law of Marriage.—From Athlone, for the Adoption of Sanitary Reform (Ireland).—By the Marquess of Salisbury, from Wisbech, and by Earl Stanhope, from other Places, for the Adoption of such Measures as shall secure Protection to Agriculture.

TRANSPORTATION FOR TREASON (IRELAND) BILL.

LORD CAMPBELL: My Lords, I rise to lay upon your Lordships' table a Bill, of which, as I have given no notice, the urgency of the case must plead, and will, I am confident, plead my excuse for asking your Lordships to allow it to be at once read a first time. Your Lordships are all aware, that in the autumn of last year, William Smith O'Brien was tried at Clonmel for levying war against Her Majesty. He was tried before judges of profound learning and unblemished integrity, and I believe there never was a trial more fairly or satisfactorily conducted. Upon clear evidence he was found guilty of high treason, and judgment of death was passed upon him in due form of law. But it was objected on his behalf that there had been certain informalities in the mode of proceeding and of conducting the trial, and the Irish Attorney General without hesitation granted what was necessary; namely, his fiat for suing out a writ of error, that those objections might be considered by the superior court. That writ of error was sued out, and the case was brought before the Court of Queen's Bench, in Dublin. It was very learnedly argued; and the Judges of that court, in a judgment which has called forth the highest commendations of your Lordships, unanimously agreed in the conclusion that the trial had been properly conducted, and that the judgment was perfectly correct. Still an application was made that the question might be brought before this august tribunal, and the Attorney General of Ireland again granted his fiat, and a writ of error was sued out. The case was brought before your Lordships' bar; and after it had been argued most learnedly and ingeniously by four learned counsel, the Judges having been summoned to assist your Lordships with their advice, the Judges were unanimously of opinion that the conviction was valid, and your Lordships unanimously concurred in that opinion. Thus the unfortunate convict was clearly liable to suffer the full sentence of the law. But upon a merciful consideration of his case, although he had levied war against the Queen—although he had intended to depose Her from Her Royal State and dignity—although he had endangered the commencement of a civil war, and had by his conduct led to the loss of life—it was thought that, consistently with public safety, mercy might be extended to him, and an intimation was given him that, upon the condition of his being transported beyond the seas for life, his life should be spared. It might have been expected that the boon would have been thankfully accepted. But an objection has been made upon the part of William Smith O'Brien that the Crown has no right thus to exercise the prerogative of mercy. He acknowledges that his life is forfeited to the laws of his country, and that he is liable to suffer an ignominious death. But he insists that there is no power to force those conditions upon him, and those conditions he rejects. I hope your Lordships will all be of opinion that dignity as well as humanity justify our proceeding to remove the doubts that he has excited respecting the power of the Crown thus to exercise the prerogative of mercy. I have looked very attentively into the law upon the subject, and I should come to the conclusion that, as the law now stands, upon the condition of pardon passing the great seal, without any legislation upon the subject, this commutation of the sentence might be carried into effect. But there have been doubts excited in the minds of some whose opinions are entitled to great respect; and I therefore propose to your Lordships that you should pass a declaratory Bill to remove all doubt upon the subject.

LORD BROUGHAM: It should be a General Act.

LORD CAMPBELL: There is no question that in England this power belongs to the Crown in cases of high treason just the same as in cases of felony; but the existence of it is denied in Ireland. It is asserted that the power existing in Ireland differs from that which exists in England, and it has been contended, that although the power of commuting the sentence of death exists in Ireland with respect to capital felonies, it does not extend to cases of high treason; because the Act which gives that prerogative to the Crown, the 6th George III., speaks only of felony. Now, with great respect, I think high treason is felony. So says Lord Hale, so says Blackstone, and so says every great judge of criminal law. But it is said, that in Ireland this prerogative does not extend to high treason. When I was Attorney General to the Crown, the trials of Frost and his associates took place. They were convicted, and mercy was extended to them; they were allowed to escape the extreme penalty of the law, upon being transported for life. They were transported, and they are still suffering their sentence, and no doubt has ever been expressed upon the subject of right to so commute their punishment. I think that in Ireland no doubt could exist upon the subject either. But I still think that it is better to remove all shadow of doubt and cavil; and therefore for that purpose I propose to your Lordships a Bill by which it shall be declared and enacted, that in all cases of high treason in Ireland, where sentence of death shall be passed, the Crown may exercise the prerogative of mercy, if it shall think fit, by commuting the sentence to transportation for life, or under such terms as may be found fitting. I trust that your Lordships will agree with me in the propriety of passing such a Bill; and as there is urgency attending the case, I shall propose that the Bill shall be now read a first time, that it shall be read a second time to-morrow, and that the Standing Orders be suspended, so as that it shall be immediately afterwards read a third time and passed into law.

LORD BROUGHAM declared that he had never seen a clearer case than that made out against William Smith O'Brien. Their Lordships had unanimously affirmed the judgment against that individual and his accomplices, after hearing the opinion of the Judges of England, and without hearing the counsel for the Crown, because they wished to show the public how clear that case was. Their Lordships were all of one opinion upon the subject, and they also all entertained a very strong opinion of the distinguished ability, the profound integrity, and the unimpeachable impartiality of manner, in which the Judges in Ireland had conducted the proceedings which took place before them. He agreed with his noble and learned Friend (Lord Campbell), that although there were no doubts as to the power of the Crown to exercise its prerogative in commuting the sentence of death in cases of high treason, the passing of this declaratory act was the better course to be pursued. He was convinced that the Crown had the power, after it had tendered mercy to the convict, to carry into effect the original sentence of the court, supposing that the convict was so infatuated as to reject the terms on which mercy was tendered. He had great pity for the respectable family of Mr. Smith O'Brien, and he was not even without compassion for that unhappy man himself. His present conduct was in perfect keeping with his past.

> ——— "Servatur ad imum
> "Qualis ab incepto processerit, et sibi constat."

He (Lord Brougham) was of opinion that the last act of this unhappy man, like his first, arose from that perverted love of distinction, and from that absurd and preposterous personal vanity, which, more than any sense of national grievance, had driven him into the commission of high treason. He knew well enough, when he rejected Her Majesty's offer of mercy, and when he said that he preferred the execution of his sentence to its commutation, that he would not be taken at his word. If he had had the slightest idea that he would have been taken at his word, he would have gladly embraced the offer of Her Majesty's Government; but he thought that he must make a last flourish in the country where agitation had so long flourished, and therefore he pretended that he was ready to meet a danger which he well knew had no real existence. As to the Bill, he (Lord Brougham) would only suggest that it should be a general one, and that it should provide for the commutation of the sentence of death to transportation for life, or for any lesser number of years, or for any other arrangement which it might be found expedient to make, so that transportation need not take place if not thought necessary; for his noble and learned Friend would easily understand that there might be cases in which a sentence of transportation might not be thought expedient to be absolutely enforced.

The EARL of DEVON said, that he had been present all the time that the trials lasted at Clonmel, and he should bear testimony to the signal and remarkable patience and impartiality of the Judges who presided. It was requisite that in Ireland the law should be administered temperately but firmly; that it should assert its pre-eminence, and command respect by its impartiality. It would then produce its effect. And upon the late occasion of those trials for high treason it was impossible not to admire not only the patience and impartiality of the Judges, but the singular temper and forbearance which they and the law officers of the Crown exhibited.

LORD DENMAN said, that there could be no doubt whatsoever that the Queen had the power of commuting the punishment of death for transportation. He had, however, no objection to the passing of this declaratory Act. He was glad to hear the declaration of his noble Friend (the Earl of Devon) as to the exemplary conduct of the Irish Judges; and he begged to add his own testimony, after the full consideration which he had given to the case, to their great ability, patience, and impartiality. They had held the balance equally between the Crown and the prisoner, and both had had justice duly meted out to them. Those trials furnished an admirable proof of the excellence of the law of England as it could be administered by Irish Judges and juries.

Bill read 1^a; to be printed; and to be read 2^a to-morrow; and the Standing Orders, Nos. 26 and 155, to be considered in order to their being dispensed with.

PARLIAMENTARY OATHS BILL.

The **Earl of CARLISLE** gave notice that he would move the Second Reading of the Parliamentary Oaths Bill on Tuesday, the 26th instant. The noble Earl presented a petition in favour of the extension of the Public Health Bill to Ireland.

AGRICULTURAL DISTRESS.

Earl STANHOPE presented several petitions complaining of agricultural distress. Before proceeding, however, to comment upon those petitions, he begged to inquire of the noble Marquess whether, after the lessons which he and his colleagues had received of the ruinous effects of their disastrous measures of free trade, it was their intention to retrace any portion of their steps?

The **Marquess of LANSDOWNE** said, that he had no hesitation in declaring that there was no intention whatever, on the part of Her Majesty's Government, to propose the repeal of any of the Acts for promoting the freedom of trade and commerce.

Earl STANHOPE said, he should pass over with silent contempt the means that were employed to obtain the passing of those free-trade measures. He should not dwell upon the unexampled perfidy of the Minister who had proposed these measures, nor the shameless apostacy of many of those who had supported him. He was convinced that free trade would be the ruin of the country. It had been carried by the worst means, and he was perfectly convinced that if the votes of their Lordships were taken by ballot in that House, many of the measures which had been passed by them would have been rejected. He would make no observation upon the subject-matter of the petitions which he held in his hand. He would not go into their details. He should confine himself entirely to their prayer. It was not by his advice that those petitions had been prepared. He told the petitioners that they would be regarded as so much waste paper; that they would be treated with the same indifference as other petitions had been; and he considered that it was utterly useless for any portion of the people to petition either House of Parliament again, until either a total change took place in the administration of affairs—he did not mean a change in the Cabinet, but a change in the policy which all Cabinets had of late pursued—or until there was a dissolution of Parliament, when they might hope that a House of Commons would be elected which really deserved the confidence of the country. The prayer of the petition was for full and effectual relief to be granted not only to themselves, but to all who were aggrieved by the recent Acts of the Legislature in the repeal of the corn laws. It was lately said by Mr. Cobden, that it was as impossible to restore the corn laws as it was to restore the heptarchy. This was very different from the language held by that Gentleman when the discussion of the corn laws was in progress, and when he said that if the law was injurious in its operation, it might, like any other law, be repealed. His own opinion was, that it might and must be repealed, and that at no distant period. Was protection, he would ask, a new thing?—was it an untried experiment? No; on the contrary, those who required protection, only asked that Parliament should retrace its steps, and re-establish those laws which had been not long since repealed—to revert to that system under which the country had acquired prosperity and power. That prosperity and power were now lost—all the advantages they formerly enjoyed were rashly and recklessly cast away—beggary and bankruptcy stared them in the face—dangerous discontent was everywhere excited; and for what? That they might establish a system of free trade, or rather of free importation—for it was nothing else—and realise the theories of some visionary political economists. It had been said that the opinions and the doctrine of free trade were the principles of common sense; but Ministers had not the temerity to act out those principles to their full consequences. They did not venture to withdraw from those patriotic individuals, the cotton-spinners of Lancashire, the protection which they enjoyed. They had not dared to include in the repeal of the navigation laws the coasting trade; but they had inflicted their iniquitous measures upon the most peaceful and the most valuable members of the community—upon the agricultural interest, which was the origin and the foundation of every other—upon the colonial interest, the possession of which rendered England the envy and the admiration of surrounding nations—and last, not least, the shipping interest, that palladium of their national security. They had done more, and, if possible, they had done worse than this—they had deprived of protection a numerous and valuable class of artisans, by admitting foreign manufactured goods duty free. He denied that Parliament had a right to take these measures, affecting not only the welfare but the very existence of those classes who were not, as they ought to be, represented in the House of Commons. If Parliament had no such right—if it had assumed an authority to which it was not justly entitled, he asked, what were the rights which, in such a case, belonged to the oppressed and injured people of this ill-governed country? If such flagrant and intolerable injustice—if this detestable and destroying system of wholesale plunder and confiscation should much longer be continued, he warned them of the consequences which would inevitably result. One consequence would be, that the respect which used to be entertained for the established institutions of the country would no longer exist. The arguments in favour of an organic change in the constitution would become unanswerable, and would prove irresistible. With regard to its effect upon agriculture, he would remind their Lordships that wheat was now selling at from 45*s.* to 46*s.* per quarter, a price, by the bye, at which it could not continue to be grown; and yet those who were conversant with agriculture knew and admitted the fact, that even that price was not received by the grower. The market price for good wheat in a district in Surrey with which he was connected, was 38*s.* per quarter. He was ready to admit that if wheat was at such a low price, then, as a natural necessary consequence, other commodities, which were said to be regulated and controlled by the price of wheat, ought to be reduced in a like proportion. But those who said so were not aware of the consequences of their admission. It was clear, that if our artisans were to be driven into competition with foreigners, they must not only have cheap bread but cheap beer, cheap tea, cheap coffee, cheap sugar, and cheap tobacco; and if the duties on these articles were reduced, what would become of the revenue? No doubt there must be general reductions in the general expenditure of the country, and reductions must be applied to all classes, high and low. As a farther step, the country would ask for cheap government, which meant nothing more or less than a Government on the American model, or, in other words, a Republic. Nothing less than this would satisfy the demands of those miserable economists who were now clamouring for reductions in the Army and Navy, and in accordance with whose wishes 700 artisans had been dismissed from Portsmouth dockyard the other day, all of whom had since gone, or were going, to foreign countries. And under what circumstances were these reductions taking place? At the commencement of the last Session, when the whole of Europe was in peace—when there were neither wars nor rumours of wars on the Continent—when no revolutions had taken place—and when no man dreamed that the late Government of France would fall "from its high estate," then there was not a word from Her Majesty's Ministers about a reduction in the military establishments of the country. But at the commencement of the present Session, when war was actually raging in some parts of Europe—when the general state of the Continent was such that no man could tell one day what was likely to happen the next, or how soon we might be involved in quarrels with our neighbours—that was the time chosen by the Government to carry into effect a disbandment of a portion of the Army and a portion of the Navy. But the consequences he had pointed out as likely to flow from the adoption of the theories of economists were likely to have a still wider range. If they reduced prices to any considerable extent, they must in the same proportion reduce salaries. The country had undoubtedly a right to demand that this should be done, and the principle must be applied without qualification or reserve; while the national debt itself would be subject to the process of what was called an equitable adjustment. He had already stated that the price of wheat was 38*s.* per quarter, which was about two-thirds of what Sir Robert Peel in 1842 said ought to be the price. It was, therefore, fair that the same reduction should be applied to the national debt, for it could not be said to be just that they should now pay the public creditor the price of three quarters of wheat for that for which they formerly received the price of only two. If that measure of justice were refused, and if free-trade principles were continued, the people were likely to adopt a system of passive resistance to taxation, which, if it were generally acted on, could not be successfully opposed by any Government, whatever civil or military force it might have at its command, even though it were assisted by a whole army of tax-gatherers. It was to avoid these evils that he wished protection to be restored; for his anxiety was that the rights of all classes might be supported—that all property might be protected—that the ancient constitution of the country might be preserved. But whatever calamities might take place—whatever convulsions might ensue from the eruption of free trade, those who had strenuously and steadfastly opposed it were not responsible, and the responsibility rested entirely and exclusively upon the heads of those who had proposed and promoted this ruinous change. With regard to the cause of the distress, it had been lately stated that it arose from the deficiency and the bad quality of last year's harvest. Now, it had once before been argued by a noble Lord that the distress of that time arose out of the superabundance of the crop, but he had never before the present time heard it maintained that a deficiency of crop could cause distress. He would ask any man in the street whether when an article was scarce it would ever become cheap. General experience showed that the reverse was the fact. Then they were told, on the same authority, that if they had an abundant harvest in the course of the present year, the present distress would vanish. He would venture to say, on the contrary, that if they had an average harvest during the present year, the price of wheat would fall considerably lower than it was at present, and however low the price of English corn might be, foreign corn would still continue to be imported. He had lately received information that an English gentleman had gone to establish himself in Poland, and had taken some English agriculturists with him, whom he paid at double the prices that were given there; and yet he was fully convinced that he would be able to deliver wheat in the port of London, all charges included, at 25*s.* per quarter. They now found that there was general distress all over the country, everywhere a complaint of grievances and deep-rooted discontent. If any doubt existed upon this subject, let them look at the statements which were made and the sentiments which were expressed at the various public meetings which had lately been held, and which ought forthwith to be held all over the country—in every county, convened by the sheriff—in every agricultural district—in every seat of manufacturing industry—in every seaport town, by shipwrights and sailors, and all who were employed in the equipment of ships—all should demand, with a voice of thunder, the redress of their grievances and the restoration of their rights. Could their Lordships contemplate without anxiety and alarm—he would say without dismay—such a situation of affairs? And was it not reasonable to apprehend, under such circumstances, and in these revolutionary times, when everything seemed shaken to its foundation, that there would arise some political hurricane which would level in the dust all existing institutions, and even the monarchy itself? He entreated them to consider, before it was too late, that patience had its limits, beyond which it would not and ought not to pass. He solemnly warned them also of the danger that would arise by driving the working classes to desperation. He asked what consideration was due from those parties to an unjust Government, when that Government, instead of protecting the rights and interests of the labouring classes, deprived them even of the means of subsistence? Let Ministers persevere, if they had the hardihood to do so, in such a system; but let them at the same time expect, and that at no distant period, its inevitable, and peremptory, and fatal result of revolution? Let them not flatter themselves with the hope that the revolution which he believed was rapidly approaching this country would be merely one of those political revolutions which were now desolating the Continent, and which produced so much misery there. No, the revolution in this country would be of a different nature. It would be in its origin, in its objects, in its operation, in its nature, and in its consequences, one of the most awful calamities which ever visited any country—it would be a social revolution—a war of poverty against property, of which the result would not be doubtful. He was aware that this warning would be unheeded, but he had endeavoured to discharge his duty in bringing the subject before the House. He might exclaim, in the words of one of the most eminent persons of the present age, when addressing some members of the aristocracy, "You will not believe yourselves in danger till your castles are falling around you."

Petitions ordered to lie on the table.

PROTECTION OF WOMEN BILL.

The **BISHOP of OXFORD**, in moving that the Bill be now read the Third Time, said, he was well aware that it would probably fail in many instances to do what he was desirous should be done by it; but, although there remained a great deal to be done, yet, in the opinion of those well qualified to form a judgment on the matter, it was impossible to proceed further with safety at present; and in the meantime it was hoped this would meet at least some of the more flagrant cases of the great evil which it was intended to remedy.

LORD CAMPELL said, it would give him the most sincere pleasure if he could support the third reading of the measure, because no one was more anxious than himself to obtain the object sought by the right rev. Prelate, and no one was more ready to appreciate the laudable motives of the right rev. Prelate, and the efforts of those who had the same object in view. But, believing that the Bill could do no good, and that it probably would do evil, he felt bound to oppose it. In his opinion it was not in the slightest degree calculated to meet the evils it professed to remedy. He had been told that it had been drawn by a noble and learned Friend of his, not then in his place, and, if that were so, it showed that the greatest amount of fitness and ingenuity must utterly fail at times in meeting cases of the present description. All who had engaged in this most laudable attempt had found themselves between two great difficulties. They found that they had either to legislate against that which could not properly be made a crime, or to legislate against that which the law now considered a crime, and which it was ready to punish. A noble Earl, who was also absent (the Earl of Mountcashel), had on a former occasion alluded to measures which would be fit subjects of legislation if they were politic; and he had further pointed out the evil of carrying the law beyond its present stringency. At present, wherever they had the intervention of a third person for the purpose of corrupting female innocence, the law as it now stood considered that a crime, as it ought to be, and was ready to punish it. But what did this Bill do? It was a very short and simple measure, and its scope and tendencies were manifest. It professed to do what the common law did not do—it professed to introduce a new law, and to make that a crime which was not now a crime. It said that if any one for the lucre of gain should, by false pretences, false representations, or other improper means, solicit and procure any woman to have connexion with any man, such person being duly convicted thereof should suffer imprisonment; and the indictment in such a case would be, that the person had solicited and procured such illicit connexion by fraudulent means and for the lucre of gain. But this was now a misdemeanour, and had ever been a misdemeanour by the common law of England. Wherever such a plot was laid for the corruption of female innocence, the law called that a conspiracy, and the party guilty of it might be severely punished. This was to be found in all our text books, and there had been repeated instances of prosecutions for the offence. There was one in the reign of Charles II., when a lord was prosecuted and tried before Chief Justice Pemberton for having with others decoyed from her home a lady of noble birth, and he was found guilty. Another prosecution took place in the time of Lord Mansfield, and the party was found guilty of a misdemeanour. Infamous conduct of the kind, therefore, was already taken notice of by the law of England, and the Bill could have no good effect in invigorating the law, or in facilitating prosecutions, or in causing evidence to be brought forward. At best, it would be wholly inefficient. But this was not all. In some respects it did not go so far as the common law, and in his opinion it had a tendency rather to sap the foundation of morality. For instance, it only made the offence indictable where the crime had been consummated; whereas the common law was much more efficient, for if an infamous woman laid a snare for an innocent female, and resorted to improper means for putting her in possession of a licentious man, and if the female were rescued and her innocence preserved, still that was a crime which the common law would reach and punish. Again, the Bill declared procuring of seduction a crime only in cases where the party was influenced by motives of lucre or gain, and where the pretences and representations used were false. But this too common motive was by no means the only one—as, for instance, two licentious youths might join and assist each other in decoying innocent girls from their homes; and there were many such cases in the annals of the courts of law. Again, it often occurred that the seduction was effected by representations that were not false—as, for example, a woman might be told that if she went to live under the protection of a certain man she should have a settlement of 1,000*l.* a year, with a box at the Opera, and a carriage to drive in Hyde-park. These promises might be quite true, and in such a case the Bill of the right rev. Prelate would be inoperative, though by the common law it would be punishable as a crime. But it was said that these cases were conspiracies, and that it was necessary to have some more direct mode of proceeding in order to avoid the difficulties of a trial for a conspiracy under the existing law. As a lawyer, he had no hesitation in saying that the conspiracy was merely in the nature of a technicality, and was to be inferred from the overt act. The noble and learned Lord quoted the trial of the regicides and the trial of the seven bishops to show that proof of conspiracy was not the actual question tried in those cases, though conspiracy was inferred from the offences proved. Feeling, therefore, that the Bill of the right rev. Prelate did not in the slightest degree facilitate the means afforded by the common law for meeting the evil, he adhered to the opinion expressed on a former occasion by his noble and learned Friend the Lord Chief Justice of England, that nothing could be done in this matter by legislation, and they should confine themselves to carrying the existing law into effect, and to efforts to improve the morals of the people. He would not take upon himself to move that the Bill be rejected, but on the question that the Bill be read a third time he would feel it to be his duty to say "Not content" to the Motion.

The Bishop of NORWICH expressed a hope, notwithstanding the difficulties with which the subject was surrounded, that the merits of the Bill would at all events be entertained, in order that the public at large might see that their Lordships were anxious, if possible, to put an end to the disgraceful traffic against which it was directed. Those who had read the evidence were unfortunately made aware of the extent to which that odious traffic was carried. Many of their Lordships had no idea of the extent to which it was carried. Persons were spread over the country, whose business it was to go about procuring young persons of tender age, and to bring them up to London for the purposes of prostitution. He honoured and thanked the right rev. Prelate who had brought in a Bill to remedy so monstrous an evil, and he entreated of their Lordships to give the measure their support.

The Bishop of OXFORD replied. He contended that the cases referred to by the noble and learned Lord were not those which it was more immediately desirable to provide a remedy for. With regard to conspiracy, he believed that a great change had taken place in the opinions of English lawyers, and that it was now held that any act not illegal when committed by one person, would not be illegal if two or more conspired to effect it. That which was not a criminal offence on the part of one, could not become a criminal offence on the part of more than one. The objection, therefore, of the noble and learned Lord, that these offences could be at once met by an indictment for conspiracy, fell to the ground. The noble and learned Lord also said, that the Bill did not go far enough; because there might be cases in which females, from motives of malignity, lent themselves to assist in seduction. He put it to their Lordships to say whether that was any reason why they should not endeavour to prevent the basest of all trades, because there was another form of wickedness which could not be reached by legislation. But the noble and learned Lord also said, that the Bill would not carry out its purpose. He (the Bishop of Oxford) admitted there might be cases that would escape its operation; but by trying the Bill they would be enabled to see wherein it was weak, and what was the remedy for it. He believed, however, that the mere fact of its being known that such a law existed, would tend to the discouragement of a great practical evil, which, he was sure, their Lordships desired to put down. For these reasons, he entreated the House not to reject a measure of which the main point that could be urged against it was, that, though it was a move in the right direction, it did not go far enough. It was, however, strong enough to effect a great amount of good, whilst it was guarded from possible abuse. He prayed their Lordships to remember that there was no form of indictment upon the Statute-book to meet these particular cases—cases which constituted one of the greatest social evils that society could be afflicted with—the betrayal of innocence by cold, calculating, wicked design and premeditation. He entreated their Lordships not to disregard the thousands of petitions they had received from parties of the highest character in every part of the country, but to pass this Bill, and to give it at least one trial upon the Statute-book.

LORD CAMPBELL having said a few words in explanation,

House divided:—Contents 23; Non-Contents 19: Majority 4.

Bill read 3ª and passed, and sent to the Commons.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 14, 1849.

MINUTES.] PUBLIC BILLS.—2° Turnpike Roads (Ireland); Assaults (Ireland); General and Quarter Sessions; Sewers Acts Amendment (No. 2); Small Debt Courts (Scotland); Ecclesiastical Jurisdiction.

Reported.—Ecclesiastical Commission; Loan Societies.

3° Tenants at Rack Rent Relief; Attorneys and Solicitors (Ireland).

PETITIONS PRESENTED. By Mr. Bouverie, from Ayr, for the Clergy Relief Bill; and from Kilmarnock, for Inquiry respecting the Glasgow and Ayrshire Railway.—By Mr. John Williams, from Ysceifiog, Flintshire, respecting the Welsh Language in the Established Church (Wales).—By Mr. Alexander Hastie, from Glasgow, against the Marriages Bill.—By Lord R. Grosvenor, from Upper Chelsea, for the Sunday Trading (Metropolis) Bill.—By Mr. Haggitt, from Members of the Church of England, against the Alienation of Tithes.—By Mr. Duncuft, from Oldham, respecting the Lancashire County Expenditure.—By Mr. Law Hodges, from several Places in Kent, for Repeal of the Duty on Hops.—By Lord George Manners, from the Guardians of the Newmarket Union, for Rating Owners of Tenements in lieu of Occupiers.—From Wisbech, for Agricultural Relief.—By Mr. Stansfield, from Huddersfield, for the Bankrupt Laws Consolidation Bill. By Captain Pechell, from Brighton, for the Cruelty to Animals Bill.—By Mr. Scott, from Berwick, against the Lunatics (Scotland) Bill.—By Mr. Forster, from the Medical Officers of several Poor Law Unions, for Redress of certain Grievances.—By Viscount Emlyn, from the Berkhampstead Union, for a Superannuation Fund for Poor Law Officers.—By Mr. W. Fagan, from Cork, for an Alteration of the Poor Relief (Ireland) Bill; for a more complete System of Railways (Ireland); and for the Suppression of the Slave Trade.—By Admiral Gordon, from Cluny, against the Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.—By Mr. Hobhouse, from Bardney, Lincolnshire, for an Alteration of the Sale of Beer Act.—By Mr. Buck, from Bideford, Devonshire, for an Alteration of the Small Debts Act.—By Lord Gordon Hallyburton, from Forfar, for an Alteration of the Law respecting Spirit Licenses (Scotland).—By Mr. J. Evans, from Haverfordwest, for referring International Disputes to Arbitration.

BUSINESS OF THE SESSION.

MR. DISRAELI: Sir, I take this opportunity, as I stated I would to the noble Lord at the head of the Government, the other night, of making some inquiries with respect to the probable progress of public business; and, in doing so, I hope the House will permit me to refer to a document before Parliament as one of the principal reasons why I have thought proper to institute them. It appears, by a Parliamentary return of the business of last Session, that in the month of June there were nineteen Public Bills introduced, of which thirteen passed; that in July there were thirty-eight public Bills introduced, of which twenty-six passed; and that so late as in the month of August there were forty-two Bills introduced, of which thirty-five passed; so that, in those three months, ninety-four Public Bills were introduced, of which seventy-four passed; and the greater proportion of those seventy-four passed in the month of August. I believe it is the feeling of the House, and I am sure, from having acted with the noble Lord at the head of the Government on the Committee on Public Business, it is the feeling of Government, that it is by no means desirable the general conduct of business in this House should afford a premium to precipitate legislation. At this moment I observe that the Government have introduced, during this Session, sixty-four Bills, of which thirty-two have passed this House, two have been withdrawn, and thirty still remain upon our table. As this is nearly the middle of June, and as we can form some conception now how the probable remainder of the Session may be occupied, I think it not impertinent to inquire of the Government what are their intentions with respect to those thirty Bills which still remain on the table? At this moment there are on the table eleven Government measures relating to Ireland, of which six only have been read a second time. Those Bills are as follows:—Dublin Improvement Bill, Poor Relief Bill, Qualification of Voters Bill, Elections and Polling Places Bill, Estates Leasing Bill, Dublin Rates Collection Bill, Dublin Newgate Bill, County Cess Bill, Municipal Corporations Bill, Turnpike Roads Bill, and Punishment for Assault Bill. I will remind the House that already fourteen measures relating to Ireland have been passed during this Session. And after that I think I may legitimately inquire of the noble Lord whether it be his serious intention to proceed with some of those Bills—for example, the Qualification of Voters Bill, or the Election and Polling Places Bill, which is connected with the preceding? The noble Lord will, I am sure, agree with me that the subject of these measures is of the highest interest and importance. Hon. Gentlemen, even those connected with Ireland, will also, I think agree with me, that not only is it of the greatest importance that these measures should not be precipitately passed, but that of all possible periods the present is one when legislation on such subjects is least necessary and expedient. This is a point, however, on which I will not now dwell, but I think the House will agree with me that it is of the highest consequence that Bills of such importance should not be introduced at the fag end of a Session; and therefore I hope the noble Lord will feel it consistent with his duty to tell us explicitly whether he intends to proceed this Session with the measures to which I have particularly adverted. There is another group of measures on the table connected with Scotland. I am not very familiar with the details of those measures, but they appear, on the face of them and by their very titles, to be measures of very great interest. There are at this moment six Bills relating to Scotland on the table in their first stage—the Lunatics Bill, the Public Health Bill, the Police of Towns Bill, the Pupils' Protection Bill, the Marriage Bill, and the Registration of Births, &c., Bill. I think it not unreasonable to inquire of the Government—and I am sure hon. Members on both sides of the House must take an interest in the inquiry—what are the Scotch Bills they intend to proceed with, and when they will most probably do so? But besides those two important classes of Irish and Scotch Bills, there is a third, a more numerous and still more important class—which I will term Miscellaneous Bills, and when I read their titles to the House they will see in a moment they are upon subjects of universal interest in many instances, in all of very great importance, and that there is nothing which would be more to be deprecated than that a House, few in numbers, and at the end of the Session, should be called upon to legislate upon them in a hurried and uninformed manner. These Bills are as follows:—the Clergy Relief Bill, Charitable Trusts Bill, Administration of Justice in Metropolitan Districts Bill, Ecclesiastical Commission Bill, Joint Stock Companies' Act (1848) Amendment Bill, General and Quarter Sessions Procedure Bill, Stock-in-Trade Exemption Bill, Ecclesiastical Jurisdiction Bill, Loan Societies Bill, Marriages Abroad Bill, Railways Amendment Bill, India Desertion Bill, and last, but not least important, the Australian Colonies Bill. Now, I think we may very fairly inquire which of those thirteen measures the noble Lord intends to proceed with? It certainly is of great importance that the House should understand whether, for instance, the measure—the Australian Bill—of which copies were distributed only today among hon. Members, is really to be proceeded with this year or not. I, for one, should greatly object to a measure of that importance being introduced at the end of the month of August; even late in July I don't think it should be introduced. I should be very sorry if that were to take place which happened last year—that a Bill should be sent up to the other House on the 1st of September—a fact which appears by the return to which I have already referred. There is another point on which I would ask some information from the Government. I would ask the noble Lord whether he has taken into consideration any method by which that spirit of precipitate legislation to which I have referred, may be retarded and prevented for the future? I know well that the noble Lord, when he acted on the Committee on the state of public business, gave his attention to this subject, and that he is animated by a sincere desire to prevent these evils. I would ask him then if he has any objection to support a regulation which should define the term for the introduction of Public Bills similar to that we have already adopted for the introduction of Private Bills? I am persuaded that unless we come to a resolution of that character, we cannot get rid of the inconvenience. I am willing to admit that such a rule should not apply to continuing Bills, or to Bills which a political emergency might lead the Government to adopt. But it should apply to Bills which relate to questions on which, with a fair prescience of public affairs before Parliament has met, or before the Session is advanced, the Government might feel that they were called on to legislate. These are the inquiries I think it necessary to make—first, because we ought to have a fair statement of what course is intended to be taken with respect to the measures brought before Parliament this year; and, secondly, because I thought these remarks might in some measure check the tendency to pass laws at a time when the House is attended only by a few Members, and when public business is conducted in that hurried manner which we all so much deplore.

Mr. E. B. ROCHE begged to observe that there was another Bill which had been promised at the commencement of the

Session which had not yet been introduced, for the amendment of the grand jury system, and which might be made to work advantageously in aid of the Poor-law Bill. He wished to know if the Government intended to bring in that Bill? He hoped the noble Lord would not be induced to abandon any of the Irish Bills on the table of the House, for they were all of great importance to Ireland; or be induced, by what had fallen from the hon. Gentleman opposite, to indicate any intention of cutting short the Session.

Mr. SPEAKER said, that if the hon. Gentleman was going to make any other inquiry respecting any Bill, he was at liberty to proceed; but not comment upon it.

Mr. E. B. ROCHE said, he was about to ask the noble Lord another question. From information he had received from Ireland of a most indubitable and unqualified character, he was sorry to learn, that the potato disease had broken out again in several parts of the country. He, therefore, wished to know if the noble Lord was prepared to bring forward any other measure to meet the distress in Ireland, which, though great at present, was likely to be quadrupled before the end of the year.

Lord J. RUSSELL: Sir, I agree with the hon. Gentleman opposite, the Member for Buckinghamshire, that we ought to endeavour, if possible, not to take measures of great interest and importance at so late a period of the Session as the month of August. I agree with him, that it ought to be our endeavour to prevent the introduction at that period of any Bill likely to lead to much discussion; but I do not agree with the hon. Gentleman who has spoken last, in entertaining any apprehension of the Session being prematurely brought to a close, or of hon. Gentlemen being dismissed to their homes before they are willing and ready to go. So far, however, as the conduct of business is at present concerned, I may remark to the hon. Gentleman opposite that there were in the course of this week four hundred and eighty Members who voted upon a division —a number which, taken along with that of the hon. Members who are in London, but who were unable that night to attend, shows that there are upwards of 500 Members still in town. It cannot, then, at present be said that there is such a want of attendance as to prevent measures from being satisfactorily considered in the House. For these reasons, then, and others, I would postpone any reply to the inquiries of the hon. Gentleman, at least with regard to several of the measures to which he has alluded. I will endeavour, however, before the 1st of July to state, as respects these measures, what is the course which we propose to adopt. Instead, however, of referring to the Bills in respect to which I can give some information in the order in which the hon. Gentleman has alluded to them, I shall first refer to the business with which we propose to proceed immediately, and then I will refer to the measures with which we cannot proceed during the present Session of Parliament. Now, as to the former class of Bills, the House will naturally expect that the Irish poor-law should have precedence. We have already gone into Committee on that measure; it stands for discussion to-night; and if we should not make much progress with it in the course of this evening, we propose that it shall stand first for Monday next, and that we should proceed as fast as the House will allow in discussing the various points of the measure, and the various propositions made in respect to it. I do not say at present, in answer to the hon. Gentleman who spoke last, that we have any particular measure in contemplation with respect to the failure of the potatoes in Ireland, or to any famine which may occur. Our general accounts go to show that although in some cases the potato disease has reappeared, still that these instances do not justify serious apprehensions. There are some other measures with regard to Ireland which have been introduced by my right hon. Friend the Irish Chief Secretary. There are the Municipal and the Collection of Rates Bills, and also another Bill referring to a question much agitated and debated, with respect to the corporation of the city of Dublin, and with which I think it necessary to deal. Next, with regard to Scotland, there are the Marriage and Registration Bills, which have already passed through the other House of Parliament, and are now ready for consideration here. I trust that the House will take these Bills into consideration, because, admitting that there are Bills with respect to Ireland of considerable interest and importance which must be entertained, I do not think that it would be just to exclude Scotland from her share in the time which still belongs to us. There is also a measure which has come from the other House—a measure which is not properly a Government one, but relating to a subject of such vast importance that I think it will be the duty of Government to pay every attention to that Bill, with the view at least of passing a measure upon the subject. I allude to the Bankruptcy Bill. It is a very extensive and voluminous Bill; but I understand from the noble and learned Lord, its originator, that the greater part of that volume consists of consolidations and re-enactments of what is already law; and with respect to that part of the measure, the House will probably not think it necessary to pay particular attention. I should propose that that Bill be read a second time on Monday, and that it be then referred to a Select Committee of Gentlemen who are connected with the bankruptcy law, and with the practice of trade; and I trust that in a short time this Committee may pronounce such an opinion as to the proposed changes of the law and the distribution of offices, that we may come to a satisfactory result with the measure in question. There is a matter, with regard to one Irish question, in respect to which it will be necessary to ask the House for a vote in Supply. There appears to us to be a necessity for postponing the opening of the Irish colleges, an event which was fixed for this year, but for which this year does not appear to be a desirable period. The new arrangement will require a slight alteration in the existing law; and we also propose at the same time to take the full estimate of the expense, half only having been hitherto voted in Committee of Supply. The Ordnance Estimates, as hon. Gentlemen are aware, have not yet been taken, and these will occupy some time. In respect to the measures which I do not propose to go on with in the course of the present year, I can state at once that I will not propose to proceed with the Bill for the Qualification of Voters and the Polling Places (Ireland) Bill. I think that these Bills, proper and necessary as they are, rest yet upon considerations and principles of a different class from those which the House has hitherto had under consideration. I do not think it expedient that any such new class of questions should be raised. With respect to the Lunatics (Scotland) Bill, it is not intended to persevere with the measure during the present Session. As to the other Bills to which the hon. Gentleman has alluded, I should say that, although they are numerous, and appear to show that there is a great amount of business under consideration, they are many of them either Bills for continuing former Acts, or for extending and amending in a short form former Acts which have been passed. In the months of February and March, such measures would not probably excite much attention in this House. With respect to other measures, I am unable to say at present what may be the feeling of the House with regard to them; but I do not think that the great importance of those Bills should be assigned as a reason for abandoning them in the month of July. I think that if the opinion of the House generally is that these Bills are sound in principle, and require but trifling alterations, it would be for the public benefit that they should pass. I do not think, if such a general feeling exists, that the absence of Members from this House at that period of the Session affords a valid reason for surrendering those Bills. But whether there is that general feeling with respect to those measures must, of course, depend upon the introduction of them. I do not think I need more particularly allude to those measures, as before the end of the month I shall be able to state the intentions of the Government with respect to them. With respect, however, to the suggestion of the hon. Member, that public measures should not be introduced after a certain day, as is the custom with private Bills, I certainly cannot assent to his views. I feel as strongly as any one the evils under which we have now been suffering for some years, of having important measures brought in in the month of August, when neither in this House nor in the other House of Parliament there is a sufficient attendance of Members to give the proper consideration to them. I feel, also, the evil of Members of the two Houses being kept away from those duties in their different counties which are often of as much consequence as the duties which attach to them in Parliament. But I really think that if we were to make any rule by which no public measures should be introduced after a certain date, we should soon find the inconvenience of it; and that the House would frequently have to violate it. To allude, for instance, to questions relating to the peace of Ireland. I trust it may not be my painful duty, during the remainder of the Session, to have to introduce any measures of a restrictive nature with respect to that country; but if any necessity should arise for such measures, it would be quite impossible to adhere to any rule of the kind when circumstances imperatively required their introduction.

I have now only further to say, that there are some other measures which will have to be introduced, but which I do not think Parliament can pass in the course of the present year. The most important of these is a measure to be introduced by my right hon. Friend the President of the Board of Trade, who introduced the Navigation Bill to this House. It is a measure supplementary to the Navigation Bill, and will be an Act for the better regulation of the laws, and for the general better management of the mercantile marine of this country. Although I cannot hope that that measure will be passed during the present Session, I nevertheless think it desirable that the House should be in possession of the views of the Government with respect to that measure, and I also think it of importance that the parties most affected by it should have full time to consider it. I do not think it necessary now to make any Motion on the subject, having stated as fully as I can what are the views of the Government with respect to public business for the remainder of the Session.

MR. J. O'CONNELL understood the noble Lord to say that it was not his intention to persevere with a measure for improving the franchise in Ireland during the present Session, although the noble Lord made no such reservation with respect to measures of coercion. But there was a question of deep importance affecting that unhappy country—he meant the Landlord and Tenant Bill. Private Members of the House had been prevented from bringing in a Bill on the subject; and he begged to ask the Government whether they were not prepared to do something to settle that vexed question, which in the opinion of those who knew Ireland well, was at the bottom of all the social distractions and miseries in that country, and the cause of much of the bloodshed they had had to deplore. He should like to be informed whether any steps would be taken with respect to that subject during the present Session?

LORD J. RUSSELL observed that a measure had been prepared on this subject last Session, and had been referred to a Select Committee. The Government had not been able to press that Bill in the course of the present Session, and he did not think there would be time to give due consideration to a measure of so much importance. With respect to the measure for improving the relations between landlord and tenant in Ireland, it was now before the other House of Parliament. If any private Member were to deal with the matter, he thought the hon. Member for Rochdale was the person most entitled to the attention of the House.

MR. HUME begged to suggest to the hon. Member for Buckinghamshire the propriety of laying on the table of the House the specific resolution he intended to move on bringing forward his promised Motion. It was desirable that the House should know whether the corn laws and the navigation laws and other topics would form an element in his Motion.

Subject dropped.

FRENCH INTERVENTION IN ROME.

MR. HUME observed, that from what had taken place in the other House of Parliament, it would appear, with respect to a certain message said to have been delivered from the Government of France to that of England, that the communication had not only taken place verbally, but in writing. The noble Lord at the head of Foreign Affairs had stated that by to-day he would be prepared to state how far he could consent to produce any document bearing on the subject.

VISCOUNT PALMERSTON: I will lay before the House to-morrow that communication which I mentioned to the hon. Gentleman as having taken place between the Pope's Representative at the Court of Paris and Her Majesty's Government, and also the reply made through our Ambassador at Paris; and from that reply the hon. Gentleman will see the views of the British Government on the Roman question. With respect to the communications which have taken place between the French Government and the Government of this country, as to the views and intentions, and the course to be pursued by the French Government with respect to the affairs of Rome, I think that the hon. Gentleman and the House will see that, considering the state of things at present existing at Paris—considering that the French Government is being now interrogated in the French Assembly with respect to these matters—I think my hon. Friend and the House will be of opinion, as I certainly am of opinion, that it will be more proper and fitting to abstain from laying those papers before the House—papers professing to contain the views and sentiments of the French Government. I think it will be better that the French Government should be left to state its own case to its own Parliament, and that any explanations which might be desired in this House should be postponed until after the French Government has stated its own case.

MR. HUME thought that the noble Lord, by his answer, had placed the House in a somewhat unfortunate situation. He was afraid that the impression would be left on the public mind that we were implicated in these transactions. What he desired, was such a declaration as should free us from the suspicion of having been at all mixed up in the atrocious proceedings of which Rome was the theatre.

VISCOUNT PALMERSTON said, he thought it was desirable that any opinion should be suspended until the production of the papers. After that had been done, his hon. Friend might found any question on them he thought proper.

MR. MILNER GIBSON was anxious to know whether the noble Lord intended to qualify his denial that England had given any sanction, direct or indirect, to the French expedition against Rome?

VISCOUNT PALMERSTON: I do not mean in any way to qualify the statement I made, that Her Majesty's Government had no participation whatever in that expedition to Rome.

Subject dropped.

BRITISH GUIANA.

LORD J. RUSSELL wished to know whether it was the intention of the hon. Member for Montrose to press his Motion with respect to British Guiana, on the Motion for going into Supply, to-morrow. Such a course was unusual, especially as it was the intention of the Chancellor of the Exchequer to-morrow evening to bring forward his budget. On this particular subject, he thought the hon. Gentleman would see reasons for not bringing forward the Motion during the present year. A Committee had been sitting on the subject of British Guiana, and the effect of their decision on the colony could not yet be ascertained. He had received, only yesterday, a long letter from the Governor of British Guiana, in answer to certain inquiries which he made of him before he left this country, and he stated that he had paid most serious attention to the constitution of the colony; but as he had not sufficiently matured his opinions, he did not think it proper to give them in an official shape. He (Lord J. Russell), at the same time, conceived the views contained in that letter were of very great importance, but did not think it advisable at present to lay them before the House, more especially as the views of the colony in the present state of the question were not then known. He trusted, therefore, that the hon. Gentleman would not persist in his intention of proceeding with his Motion.

MR. HUME admitted that it was an unusual circumstance to make such a Motion on going into Supply; but he was placed in an unusual situation; and probably the history of the British colonies did not record an instance of anything like that which was now taking place in British Guiana. A dispute between the constituted authorities and a Government officer had been twice referred to the decision of the House of Commons. A Committee, to whom the question had been referred, had in reality come to no decision at all. He wanted the House of Commons to pass a law, aye or no, showing the colonies the situation in which they were to be placed. By despatches up to the date of the 30th of April, it appeared that Governor Barkly and the constituted authorities had come to a complete stop, the Governor having put a check to discussion in the Combined Court, and all the supplies having been stopped. The declaration of both parties in the colonies was, that they should await the decision of the House of Commons. The packet would sail on the 16th, and he thought it most extraordinary that the Government should not be prepared with some answer, one way or other. In the present distressed state of the colony, he appealed to the justice of the House of Commons to come to some decision on the subject. The supplies of the colony had been stopped since September: not one shilling of the public money had been legally received, the colony was in a state of confusion, and, in fact, without a Government. Unless the noble Lord would consent to fix a day on which the Motion should come on, he must persevere to-morrow, as the case in question was one of crying injustice, and should be dealt with without delay.

MR. H. BAILLIE observed that the noble Lord had referred to the subject of the new constitution. The question which the hon. Member for Montrose meant to bring forward referred to the violation of the present constitution, and he thought the hon. Member was entitled to have a day fixed for bringing on his Motion.

LORD J. RUSSELL said, he could not

see why he should be called upon to put off important measures to enable this question to be brought on. Perhaps the hon. Member for Montrose could prevail upon other Members of the House having Motions on the Paper to waive their right in his favour.

Sir R. PEEL said, he thought it would be very inconvenient for the House to be left in doubt as to the course which the hon. Member for Montrose intended to pursue to-morrow. The noble Lord at the head of the Government had declined to give up a Government day, and had suggested to the hon. Member to use his influence with others who had a vested interest in the Order of the Day to waive their Motions. Perhaps the hon. Member would state whether he intended to bring on his Motion or not?

Mr. HUME said, that as the question to which he was about to draw attention involved nothing less than a gross violation of the constitution of a colony, and as the Government declined to give up a day to him, he should certainly persevere with his Motion on going into Supply.

Sir R. PEEL: You will bring it on?

Mr. HUME: Yes.

Subject dropped.

THE DEATHS IN THE BALLINASLOE UNION.

Mr. CONOLLY begged to ask a question of the right hon. Gentleman the Secretary of State for the Home Department with respect to the correctness or incorrectness of certain allegations which had appeared in one of the journals of to-day, with respect to deaths which had recently occurred in the Ballinasloe union. The question was one of the greatest importance to Members of that House. It was of the first importance that, in transacting their business after the close of the Session, and after their duties in Parliament had ended, that they should not be misrepresented in the public journals when in discharge of duties, performed in conformity with the order of Committees of the House of Commons. He therefore begged leave to ask the right hon. Gentleman whether his attention had been drawn to a paragraph contained in one of the leading journals of this country—he might say one of the most distinguished among the journals of this country—which attributed what it called "the horrors of the union of Ballinasloe" to the way in which the poor-law was administered by a noble relative of his, the Earl of Clancarty? The paragraph stated specifically, that those horrors were the result of the poor-law as administered by the Earl of Clancarty; the board, also, having thought proper to restrict the use of outdoor relief, as much as lay in their power.

Sir G. GREY said, that he had seen a letter in one of the newspapers, the *Times*, from a gentleman travelling in Ireland—a gentleman well known as a correspondent of the paper in question—referring to the state of the town and workhouse of Ballinasloe. But he had not collected from that letter that the slightest charge was made against the Earl of Clancarty. On the contrary, he understood the letter to give the greatest credit to the Earl of Clancarty for the manner in which he had discharged his duties. He believed there was no man in Ireland who deserved greater praise for the admirable manner in which he discharged every social and public duty than the Earl of Clancarty.

Subject at an end.

ECCLESIASTICAL COMMISSION BILL.— LIVING OF BISHOP WEARMOUTH.

Mr. HORSMAN asked whether the Ecclesiastical Commission Bill was to be proceeded with? The question had been before the House three or four years; a commission had been appointed and reappointed last year; they had come to a unanimous report, on which this Bill had been founded; and it was probable it would pass with very little trouble, and no opposition whatever. He did not doubt the assurance already given by the noble Lord that the Bill would be proceeded with, and begged to apologise for putting a question which might imply a doubt; but there were such doubts entertained out of the House.

Lord J. RUSSELL said, this was one of the Bills on which he had wished to reserve giving an answer when the hon. Member for Buckinghamshire had asked his question. Could he be assured that that Bill would pass with very little trouble and no opposition, he should have no hesitation in proceeding with it. But the opinions he had heard did not quite confirm that anticipation. However, if he found there was a general feeling that the Bill should be agreed to, he would certainly proceed with it; but he would give no explicit assurance. If, on the other hand, he found that opposite opinions were entertained on the Bill, he should be obliged to take a different course. He must therefore reserve till a future day any positive statement on the subject. He might take that opportunity of answering a question which the hon. Gentleman had put on a former day, as to the course which would be taken by the Bishop of Durham for dividing the living of Bishop Wearmouth. The right rev. Prelate's first impression had been that it was not possible to carry out the proposed arrangement without applying to Parliament for increased power. However, on coming to London, and consulting with his legal advisers and others, he had been told that it would be possible, by a scheme to be approved by the Ecclesiastical Commissioners, and afterwards by Her Majesty in Council, to carry into effect the arrangement he proposed for a better distribution of the livings of Bishop Wearmouth. A draft of the scheme had been prepared, to be submitted to the Council, and if Her Majesty were advised that the course was one that should be adopted, it would be approved by the Ecclesiastical Commissioners, and by Her Majesty in Council; but before that time the hon. Gentleman would have an opportunity of seeing the draft of the scheme proposed.

Subject at an end.

NAVIGATION BILL.

Lords' Amendments.

Mr. LABOUCHERE would call the attention of the House for a few moments to this Bill, which had come back from the other House. Had the Lords' Amendments been of any importance, he should have felt it his duty to propose that they should be printed, and a day appointed for their consideration. But when he stated how few and trifling they were, he trusted there would be no objection to dealing with them at once. The only Amendment deserving of notice related to a point already discussed in that House. In the original Bill, it was proposed not to alter the law relating to the manning of British ships, which required three-fourths of the crew to be British seamen. Afterwards a proviso had been introduced in the way of relaxation, allowing any number of foreigners to be employed where there was a certain proportion of British seamen to the tonnage. Gentlemen intimately connected with the shipping interest had represented to him that this relaxation, though entirely permissive, would be objectionable to the shipping interest; and, as the proviso was intended solely for the relief of the merchant service, he had withdrawn it, on the understanding that they did not wish for it. However, on further consideration, the same gentlemen who had applied to him to strike out the proviso were of opinion that it should remain, and they requested a noble Lord in the other House to reintroduce it. This had been done; and he hoped the House would have no difficulty in agreeing to it. He would therefore move that the Lords' Amendments to the Navigation Bill should be taken into consideration.

Mr. HERRIES was sorry that the Lords had made such very slight Amendments in the Bill; he would rather have acquiesced in much larger changes. However, he perfectly agreed to such alterations and amendments as had been made. He wished to interpose no unnecessary or trifling objections in the way of this fatal measure; the opposition to it had been from the beginning frank, honourable, and straightforward; and he deeply lamented that they had not been able to obtain its rejection. He should never cease to lament its passing; and he hoped the time might not speedily arrive when those who proposed it would bitterly repent having done so, and of having carried it successfully through both Houses.

Captain HARRIS thought it would be better to provide for our ships being well manned by a *boná fide* enactment than by a mere proviso. Every day accounts were arriving of losses of ships at sea; and it was impossible to prevent this unless they were sufficiently manned.

Mr. WAWN wished to know whether the Government intended to bring in any measure to relieve the shipping interest from the duties which now pressed upon them?

Mr. LABOUCHERE said, that he hoped in another Session to lay a Bill on the table of the House for the regulation of the light-dues.

Mr. HUME said, that the Chancellor of the Exchequer had promised to relieve the shipping interest of the duties on timber and marine insurance. It was not enough to say that a Bill was to be brought in. What they wanted was, to have a Bill passed which should relieve the shipping interest of this country of those burdens of which they complained.

Mr. LABOUCHERE said, that he did not recollect that the Chancellor of the

Exchequer had pledged himself to remove the duties on timber and marine assurance. He was anxious that the shipping interest should be relieved of any burdens of which they could justly complain.

On the Amendment relating to the number of men to be employed in vessels being read,

MR. WAWN said, he should divide the House on this Amendment.

MR. LABOUCHERE said, that the words of the Amendment were exactly the same as those in the Bill originally brought into the House, and which were struck out after some discussion. As the matter was of little importance, the power being altogether permissive, he hoped the hon. Gentleman would not divide.

MR. BRIGHT said, he believed this was the clause which the right hon. Gentleman took out, at his request, in Committee. It was to remove an impression which existed in the minds of seamen, that it was necessary to have four or five seamen on board for every 100 tons. He had been speaking to a captain, who explained to him the great mischief which this impression had created. He believed that the clause, if struck out, would leave the law as it was. What he desired, was to remove the false impression that five seamen were necessary for every 100 tons. He should prefer not to have the clause inserted, but he would not divide the House, or make any opposition to it.

MR. WAWN declined dividing.

Amendments agreed to.

SUPPLY—CANADA.

The House then went into Committee of Supply; Mr. Bernal in the chair.

Postponed Resolution [5th June], "That a sum, not exceeding 16,000*l.*, be granted to Her Majesty, to defray, in the year 1849-50, the expense of Militia and Volunteers in Canada," read a second time.

Motion made, and Question proposed, "That this House doth agree with the Committee in the said Resolution."

MR. GLADSTONE: Sir, the vote just read affords an appropriate opportunity for the observations I am about to make on a question of vital interest in relation to Canada, because it partly in itself implies, and partly serves to remind the House of the full extent of the responsibilities devolving upon us in virtue of our relation to that colony. We have not merely to consider in regard to it the general doctrine of the necessary supremacy of the mother country over a colonial dependency, but we have also to recollect that, in regard to Canada, the responsibilities connected with the fulfilment of the first duty of a Government—namely, the maintenance of public order, are responsibilities which are discharged, not by the people of Canada at their own cost, but by the people of England, under the auspices of the Crown, and under the sanction of the British Government. I mention this, Sir, because it has an important bearing on the question I am about to discuss. And now, with respect to the course that I am about to take, I have placed on the Votes of the House nothing beyond a general intimation that it was my intention to call the attention of the House to certain parts of an Act which has recently passed through the provincial legislature of Canada, and has received the assent of the Governor; and it being obvious that the intention to draw the notice of the House to such an Act implies, in some form, either scruple or objection, it may have appeared strange to many, that I have not added to that notice some distinct Motion that I would submit to the House on the present occasion, in order to challenge the expression of its opinion. And I think it due to the House that I should shortly explain why I took the course I have done. I do not think I could have placed on the Votes of this House any Motion containing my own view of the case, and of the course the Government ought, in my opinion, to have taken with regard to this question, without provoking on this occasion something, perhaps, of warm and heated discussion, or at all events, without doing prejudice to what I am anxious, above all things, to secure — namely, a calm, dispassionate, and impartial discussion on all questions of public policy, and especially on questions with which are allied important facts like those that are involved in the question before us. Other reasons, to which I need not refer, may have induced me to pursue my present course; but I may truly say that the main reason that has weighed with my mind has been the desirableness of our having something like unanimity of sentiment in Parliament with regard to this question. Because, surely none in this House are so much the slaves of party feeling but that on national questions they would wish us to have a Parliament of united, rather than of divided, views; and if this remark applies to all national questions in ordinary times, much more does it apply to such questions in times of general disorganisation; and if it applies to all questions at that period, much more does it apply to questions affecting the proceedings of a colonial legislature; because I hold it to be a sound principle, admitting of but rare exceptions, that if England is to interfere, with any rational prospect of advantage, with the legislative proceedings of a colonial Parliament, in order to secure that prospect of advantage, it must be united and not divided England that undertakes such interference. Therefore, in order to do what may in me lie towards that end, and in order, at all events, not to prejudice the question by any premature excitement of political feeling, I took the liberty some days ago of communicating to the noble Lord at the head of the Government my purpose, the course of argument I meant to take, and the course I would endeavour to recommend to the Government; but I placed on the books of the House no more than the general notice which hon. Members will have seen. And if unhappily it should appear, as the result of this discussion, that that general agreement in sentiment which I so ardently desire does not prevail, but that there must be difference of opinion, and that ulterior steps must be taken to bring this matter to an issue, I hope that at least we shall show that we have been desirous, as long as we could, to maintain a union of opinion on a matter of the highest delicacy, and greatest imperial consideration. I trust that the miscellaneous discussions of the last two hours have not so far exhausted the attention of the House, but that you will be pleased to favour me with your indulgence in relation to this question, not on account of any claim I can make on your attention, but on the ground of the deep importance of the considerations which it involves; for I will venture to say, that although the theatre of action may be comparatively contracted, yet the question really does involve the very first principles and duties of a Government, and does touch the very foundations of all social order. Now, Sir, I intend, so far as it depends on myself, entirely to pass by any discussion of the conduct of the Earl of Elgin. I may have occasion to refer to statements that he has made—I must, I am afraid, express a view in important respects, perhaps, differing from him; but I shall carefully abstain from giving any judgment on his conduct; and that not mainly on account of the warm personal regard I bear for himself, or my admiration for his distinguished talents—because I do not think on questions such as these personal feelings ought to draw us aside from the strict line of public duty—but I shall do so, because my impression is that on the Earl of Elgin has been laid an undue and excessive share of responsibility; that the Earl of Elgin, standing alone and single-handed, as the representative of the Crown, has been called upon to do more than any man in that position, without the distinct aid and clear guidance of the Government at home, could properly discharge. Sir, I may be wrong in that view, but I have drawn from the declarations of Gentlemen connected with Her Majesty's Government the impression to which I have now given utterance. The hon. Gentleman the Under Secretary of State for the Colonies, on a recent occasion, expressed in this House his opinion that it was not for this House to interpose in the consideration of any legislative measure that might be proceeding in Canada until that legislative measure had reached, so far as that province was concerned, its completion. He said that, pending the discussion in the colony of the measure, it was not for the British Parliament to interfere; and I put upon that declaration the construction that if it was not for this Parliament to express its opinion on these proceedings, neither was it for the Secretary of State, in his view, to give any authoritative directions with regard to them. Therefore I was led to the impression that, according to the doctrine of the Colonial Department, as it now exists, the business of a man occupying the position of Governor General of Canada is to judge for himself in regard to all measures submitted to him by his advisers on his own responsibility alone, and that his conduct is in no way to be influenced from home, until he has transmitted such measures for the confirmation or disallowance of Her Majesty; and I was further confirmed in that belief in regard to the Earl of Elgin, by an earlier declaration of the hon. Gentleman, made on the occasion of a Motion of the hon. Baronet the Member for Southwark, when the hon. Gentleman used these expressions:—

> "Not only has Canada local self-government, but responsible government, which has never been enjoyed to such an extent as it has been since the time of the Earl of Elgin."

Now, so far as responsible government, in general terms, is concerned, I think Canada has possessed it before the time of the Earl of Elgin; and I am at a loss what construction to put on the words of the hon. Gentleman, unless it is this, namely, that the rule is now established that the Earl of Elgin is not to refer for directions on any question of colonial legislation to the Secretary of State at home, but only at the last stage, and in reference to the ultimate question whether the assent of the Crown shall be given or withheld. Indeed, as much has been avowed during the incidental discussions that have taken place on this subject, because it was impossible to believe that the Earl of Elgin would have taken upon himself that responsibility; and Parliament, and I may say the country also, have been amazed when we have been told again and again, on the receipt of intelligence of the resolutions of the colonial legislature on the Bill at all the various stages of the measure, that no despatch or official communication had been received from the Earl of Elgin. And that the Secretary of State did not know what was going on in the legislature of Canada, could only arise from the relations between the Secretary of State and the Governor General being placed on this footing, that whatever might be the nature of the question that came before him from the local legislature, the Governor would have to deal with it on his own individual responsibility; and therefore I should not think of calling him to account for any step he may have taken under such circumstances. I think his position an impracticable one, rendering it impossible for him to adequately discharge the duties he owes to the colony on the one hand, and to the Crown of England on the other. Then, if I am right in supposing that the Earl of Elgin has been virtually prohibited from referring home for instructions with regard to proceedings in the colonial legislature, I think, as a question of general policy, the conduct of the Government involves a very grave and serious error, and becomes a fair subject of Parliamentary discussion; because I think the first duty of the Home Government should be to interpose a check on the action of the colonial advisers of the Governor, and enable him to apply at home for guidance, when a question is before the local assembly not merely affecting local but imperial interests, and involving the honour and dignity of the Crown of Her Majesty. I think that the local legislature of the colony should be left free and unrestricted in its action upon questions purely and entirely having a bearing upon the local interests of the colony; but we ought to draw the broadest and most marked distinction between questions of a local and imperial character; and with regard to imperial questions, instead of being postponed till the resolutions and deliberations of the local legislature are concluded, and are sent home in their ultimate shape to receive the sanction or disallowance of the Crown, I think that reference to the Home Government ought to be made at the very first moment, and before public opinion may have been appealed to in the colony; and that at the first moment it ought to be ascertained how far the Queen's Ministers at home think it necessary to fetter the discretion of the colonial authorities, and how far they may freely move in the path to be trodden on by them. I shall pass by many points of high, but still I think of local, interest, which must receive, in the main, a local solution. For instance, there is a question with regard to the appointments made for the Legislative Council, and they have evidently exercised a vital influence, and it is impossible to believe that they could have been made without the intention of their exercising a vital influence on the passage of this Bill. I pass by that as a question which I think connected in the main with the Government of Canada, which it is unnecessary to discuss on the course that I would now advise Parliament to take. I pass by all questions connected with the Canadian Government, and the unhappy and disgraceful riots that took place in the capital of Canada, simply making this single remark, that the parties implicated in these riots, whether they wished it or not, must be the very best friends of the measure obnoxious to them; and if it eventually should pass into a law they must be considered to have contributed in the highest degree to that issue. And, Sir, I am sorry to see that the greatest injustice has been done to gentlemen of the very highest respectability in connexion with these riots; a gentleman named Moffatt, so far from being disposed to offer a factious opposition to the present Ministry of the colony, I understand to have retired from the representation of Montreal to make room for a member of the present Ministry. I believe that a very considerable reaction has been caused in Canada, and it is very desirable that it should be known there that the universal disgust which the rioters have caused in the province has met with a corresponding feeling on this side of the Atlantic, and that nobody excuses or palliates their conduct upon any pretence whatever. There is another question, and that is with regard to the mode in which this 100,000*l.* to be levied under this Act is to be charged on the province. That, however, is a question for the local parties; but we have nothing whatever to do with approving or condemning the proceedings of the local parties in Canada on the ground that they are meditating or effecting injustice towards one another. Because the constitution provides the limits within which they may obtain protection, and within the limits that it affords they ought to use, and no doubt they will use, the ligitimate means. I confine myself wholly to imperial considerations, and the reference that I may make to proceedings of persons or parties in Canada shall be wholly incidental and subsidiary to the end I have in view. I admit in the freest manner, and without the slightest hesitation, that the onus entirely rests with me to show why, in departing from what I believe to be a most sound and healthful general maxim, I should call on the Government, and in the face of Parliament, to take a particular course in respect to an Act that has passed through the Parliament of Canada, which may not be the most acceptable course to the majority of those who voted in the legislature of that province. The rule I shall recommend, I state not on my own, but on a higher authority—an authority written in calmness and quietude by the noble Lord opposite when he was Secretary of State for the Colonies, and having no reference to the present difficulty, which might have given a bias to his judgment. On the 14th of October, 1839, writing to Lord Sydenham, after laying down that the colonies ought not only to be conducted for colonial purposes, but by colonial authorities, he says—

> "But there are cases of internal government in which the honour of the Crown, or the faith of Parliament, or the safety of the State, are so seriously involved, that it would not be possible for Her Majesty to delegate her authority to a Ministry in a colony."

It is on the ground, then, which the noble Lord has given me, that I ask Parliament to direct its especial attention to this question; and although I desire no higher authority than that, yet I observe that the hon. and learned Gentleman, who is not now in his place—I mean the Member for Sheffield, who is known in this House as having, beyond all others, through good report, and evil report, to have advocated the principles of colonial freedom—in his recent work on the government of the colonies, lays down, evidently without the slightest intentional reference to this question, the principle abundantly, I think, and sufficiently to cover the rule upon which I would now proceed; because he, in speaking of the constitution of the United States of America, uses this language:—

> "All that relates to war and peace, to armies and to the navy, to treaties and other communication with foreign nations—all that regards treason and attack upon that sovereignty known to the nations—all these things, which appertain to the Imperial Government of England, appear to come under the cognisance of the Congress as regards the United States."

This is an incidental authority, and I value it the more because it is a perfectly impartial opinion, given without the possibility of bias; and I must say that the rule I suggest rests not only on the authority of the hon. and learned Member and of the noble Lord, but lies deep in the very nature of things, and rests upon the very foundations of common reason and common sense. The questions which it is necessary for us to ask ourselves with regard to this Bill, as I view the matter, are these three:—First, is the Act of the Canadian Parliament, now before us, and entitled—"An Act to provide for the Indemnification of Parties in Lower Canada, whose property was destroyed during the Rebellion in the years 1837 and 1838;" is this Act—I will not say passed for the purpose, but—intended to embrace within its purposes of indemnification persons who bore arms against Her Majesty's forces during the rebellion in 1837 and 1838? The second question is, presuming such to be the case, can it then be said that the subject involved is a local or an imperial question? And the third question is, if such be the case, if the question raised by the purposes contemplated in this Act be an imperial question, is the course proposed, namely, the indemnification of those who bore arms against Her Majesty's forces during these rebellions, consistent, or is it vitally at variance with the honour and dignity of the Crown? Sir, with regard to the second and third of these questions, I pass them over altogether at present without notice, because, on the hypothesis arising under the first question, namely, that the indemnification of rebels is intended, I have no doubt but that the issue there raised is one of imperial interest, or that the course proposed by the Act, and put forward for our sanction, is a course inconsistent with the honour and dignity of the Crown. Therefore, I ask, is it intended by this Act to embrace the indemnification of rebels? And here I shall use ordinary language in an ordinary sense; for rarely have I seen a public discussion on a great national question carried on with such strange and sophistical arguments. For really we are told that some rebel may creep in here and there, and we cannot provide against it, and a different construction from that ordinarily understood is put upon the word "rebel." As if it were some profound problem, requiring the highest skill of the metaphysician or the mathematician to be called in to determine a point of great nicety—as if it were a difficult matter to say whether a man who took the field against the Queen's forces was a loyal man or a rebel! I use words in their ordinary sense; and I know you cannot take infallible precautions in any Act, either here or in Canada, against the accidental perversion of its provisions to purposes other than those intended. But the question for us to decide is, whether, regarding the fair scope and intention of the Act as it lies before us, it is intended or not for the indemnification of rebels? Let us have plain "Aye" or "No" to this question. Well, then, I must look to the Act itself, and partly to evidence extraneous to the Act. The title of an earlier Act of Indemnity used the adjective "loyal" with reference to the parties to receive the proposed compensation; but of course no inference can fairly be drawn from the omission of the word "loyal" in the present Bill. But this Act begins—

> "Whereas on the 28th day of February, 1845, an humble Address was unanimously adopted by the Legislative Assembly of this province, and by them presented to the Right Honourable Charles Theophilus Baron Metcalfe, the then Governor General of the same, praying 'that his Excellency would be pleased to cause proper measures to be adopted in order to insure to the inhabitants of that part of this province, formerly Lower Canada, indemnity for just losses by them sustained during the rebellion of 1837 and 1838.'"

Here, the first question that arises is—what is meant by "just losses?"—[Mr. HAWES: Hear, hear!]—for certainly a more extraordinary phrase never found its way into the proceedings of a legislative assembly. If I must invoke the aid of the critics and grammarians of the House, I must understand by this phrase losses fairly and justly incurred by the parties, and therefore losses or penalties which they justly deserved, and such as certainly could not, by any possibility, entitle them to receive pecuniary or other compensation. That, however, cannot be intended by the Act. We must understand by the phrase "just claims arising in respect of losses," and, therefore, I shall treat the phrase "just losses," in this document, always as equivalent to the terms I have just named. After mentioning the Address, and the commission consequent upon it, the preamble goes on to state that inquiries under the commission took place; that the powers of the commission were insufficient for its making complete inquiries; and that it was necessary, in order to redeem the pledge given by the adoption of that address, that further measures should be taken, both for levying money and for conducting the inquiries to a definite issue:—

> "It is necessary and just that the particulars of such losses, not yet paid and satisfied, should form the subject of more minute inquiry under legislative authority, and that the same,"—

and here comes the qualification, because they are not, as I think, "just claims arising in respect of losses"—

> "so far only as they may have arisen from the total or partial, unjust, unnecessary, or wanton destruction of the dwellings, buildings, property, and effects of the said inhabitants, and from the seizure, taking, or carrying away of their property and effects, should be paid and satisfied."

The term "just losses" I will not say governs, but runs through the whole of the Act. It is to make further inquiry into these "just losses" that the commissioners are to be appointed, and it is to satisfy them that debentures are to be issued; and to come to a proper decision, the House must keep that phrase continually in view. Well, Sir, if this had been an Act stating that all just claims arising in respect to losses are to be satisfied, I must confess that I would have regarded such an Act with no suspicion or dislike. I believe there is a case for an Act of that kind; for I am told that churches in Lower Canada—one church, at least, if not more—were destroyed, and properly and necessarily destroyed, during the rebellion, having been occupied by the rebels as a fortress; and nothing can be more just than that, when a church is the property of the community at large, proper compensation for its destruction under such circumstances should be paid. And I rather believe that when a number of Roman Catholic chapels were destroyed during the rebellion in Ireland, they were restored at the public expense. But the Act of Parliament does not contemplate the payment of all those just claims—it does not contemplate the satisfaction of all those just claims; and as my hon. Friend cheered when I read the qualification, I would remind him that they only allow them to be satisfied in case they arise out of the unjust, unnecessary, or wanton destruction of property. There is a certain limit of the losses to be satisfied, and, so far from giving me a more favourable view of the Bill, it raises a suspicion in my mind respecting it; for I say, if the indemnification of loyal subjects be what you contemplate, it is not necessary for the loyal subject to show that the destruction of his property was unnecessary or wanton. Suppose the house of a loyal subject was in the way of military preparation, and, being in the way, it might be necessary to destroy it. Then it was not unjustly, but most necessarily, destroyed; however, that does not take a hair's breadth from his claim for compensation. Therefore, when you say that unnecessary destruction of property is to be compensated, that is one of the grounds that induce me to believe that, in the strong language adopted, there is more than meets the eye. If it were a simple measure for the indemnification of the loyal inhabitants, there was no necessity to introduce this qualification, that the losses should be unjust or unnecessary. The commissioners, I apprehend, have no discretion under this Act; all they have to ascertain is the description of loss sustained; and the commissioners have not, in my view of it, any authority to limit the legal sense of the Act. Now, we come to the proviso that was introduced into the resolution before the Bill came before the Canadian senate. To that proviso I mean to call the attention of the House, for it has a most important bearing upon the whole construction of the Act. In the first clause it is provided—

> "That none of the persons who have been convicted of high treason, alleged to have been committed in that part of this province formerly the Province of Lower Canada, since the 1st day of November, 1837, or who, having been charged with high treason, or other offences of a treasonable nature, and having been committed to the custody of the sheriff in the gaol of Montreal, submitted themselves to the will and pleasure of Her Majesty, and were thereupon transported to Her Majesty's Islands of Bermuda, shall be entitled to any indemnity for losses sustained during or after the said rebellion, or in consequence thereof."

The obvious intention of that proviso is to exclude from compensation all those convicted of rebellion or of treason, or all those who (having submitted themselves) were transported—and about one hundred persons, I understand, would be excluded in that manner from the operation of the Act. However, there is a single point connected with this proviso and the convictions to which it refers that should not altogether escape the notice of the House. These convictions were not convictions in a court of law properly pronounced, but were convictions in courts-martial; and if there be any defect in the conviction, in point of justice or in point of strict formality, it is no conviction at all; and if that conviction be no conviction at all, this proviso is no proviso at all. Now, by what authority were those courts-martial elected? What authority is there in the united kingdom or its dependencies that can elect a legal court-martial? Is there any authority but the authority of Parliament that can give strict and legal validity to the sentence of a court-martial? Was the authority of Parliament given beforehand to these courts-martial, or afterwards? I have searched in vain for it through the laws on our Statute-book with regard both to the permanent and temporary government of Canada. I find no ratification given to those sentences of courts-martial. I dare say the matter was under the consideration of the noble Lord at the head of the Government when he was Secretary of State for the Colonies, and he can set me right if I am wrong; and if the parties convicted before it should raise the question, we cannot be sure that this proviso is of any validity with respect to 96 out of 104 persons that were convicted in the courts-martial, as contradistinguished from the eight persons who submitted themselves, and were transported to Bermuda. Whatever may be the opinion of the legality of these courts, as the lawyers of this country may determine, it is important to see the view taken of their legality in Canada. It is the opinion of the party that is now dominant in the legislative assembly and in the Council of Canada—their avowed and undisguised, and, I have no doubt, their honest opinion—that the courts-martial were illegal. It was professed on many occasions, and I have it in the most succinct form. In a petition of M. Lafontaine, attorney general of one of the divisions, and holding the office of leader of the council, presented in 1839, he says, "We deem ourselves also bound to denounce to your honourable House the illegal exercise of martial law;" and, therefore, you will observe that the gentleman who is now the leader of the Canadian Government, and likewise chief law adviser of the Earl of Elgin, gave it as his opinion that the proclamation of martial law was illegal—consequently, courts-martial were illegal, and the convictions in them were illegal; and consequently, that proviso which relates to them is good for nothing. I pass on from that to see what is the construction a judge would put on this Act if the commissioners said to a party—"Those losses are not just losses, and you are not entitled to compensation." Suppose that party brought an action against the commissioners, and on coming before the judge who was to try the action pointed to the Act and said, "Observe this proviso—where is the force, where is the value of the sentence? see if it be good for anything." The proviso is good for this—it shows the animus of the legislature. The persons who were convicted of high treason and sent to Bermuda would not be excluded from the Act except for that proviso, and, *à fortiori*, all those not convicted of high treason and sent to Bermuda must be regarded as coming within the benefit of the Act. So far as I am able to ascertain, from better judges than myself, the probable construction of the Act would be that the intention of the legislature was to include within the benefit of the Act and qualify for compensation all persons, whether rebels or not, who were not convicted or transported. Now, let us apply this case. I have seen printed within the last few days a list of claims that was made in the year 1846, and amongst the claims described there are a few that are sufficiently instructive; for instance, there are two claims where the names of the claimants are not given, and there are 400 claimants under the two claims where the parties claim for guns taken and not restored. The parties were coming forward for compensation for guns lost in unsuccessful actions with Her Majesty's troops. Those guns were taken away and not restored; and is that a proper case for compensation? Mr. Hincks, a leading person in the Ministry of Canada, having called on me, I mentioned the case to him, and I asked if those parties would be compensated? He said not; but his opinion is of no more value than mine. It would depend upon the construction of the Act when the case came before the commissioners. The parties would show their property had been destroyed (I have no doubt that the soldiers did not return the guns); and if the action took place when the rebellion was virtually suppressed, it would be said that it was not necessary to destroy the guns; and a thousand arguments might be used to show that when the troops got the upper hand the destruction was unnecessary. And what I think, on looking to the Act, is, that those parties would be entitled to compensation for guns which they lost in an unsuccessful encounter with Her Majesty's troops. You may be able to show that the case I have stated is not sufficient to embrace the whole question; and, instead of founding it on any particular illustration, I shall put my argument on a broader basis. The question I want to raise is, whether those persons took part, by overt acts, in the rebellion. I don't want to follow the principles of the law of England—I don't want to scrutinise men's consciences, or raise up a history of their politics, which may, from implication or connection, give rise to tyrannical proceedings against persons when party feelings run high. I speak of overt acts, and of persons who took part in rebellion, and I want to know if those parties who took part in rebellion are on that ground to be disqualified from receiving compensation. I think we must look a little to evidence extraneous from the Act itself, the Act being ambiguous. I might prove to the House my diligence, or at least my anxiety to be diligent, by quoting all the conflicting statements I have seen on this vital question. If I look to the declarations of the leading men of Canada, I have the declaration of the speaker of the legislative council, one of the Governor General's advisers, who says—

> "It was only the intention of the Government to pay the just losses of innocent individuals. It was not the intention to pay rebels."

That statement was perfectly satisfactory if it stood alone; but he goes on to say—

> "In the Lower House the Ministry had again and again stated that the intention of the Bill was not to pay rebels. Let them issue their commission, and then, if they pay rebels let them be treated as they deserve."

[An Hon. MEMBER on the Ministerial

benches: Hear, hear!] My hon. Friend cheers me. Now, I ask him, does he believe that the act of bearing arms in rebellion would be a disqualification from receiving compensation or not? [An Hon. MEMBER on the Ministerial side: I do.] He does, then. It is of that I wish to be assured, and it is that I will take every means in my power to ascertain. I shall next call attention to the opinions expressed by Mr. Baldwin, in the House of Assembly, on the 27th of February. He says—

> "There were several points in the measure which required consideration; the first of them was, the class of persons who were to be compensated. It was never intended by the present measure to pay the losses of persons engaged in the rebellion, any more than it was the object of the Members opposite to pay them by the measure they introduced. And with regard to the property, some of it had been destroyed in opposing the troops, and it never had entered into the head of any one to pay for it. Then there was the property of persons who had not only been engaged in the rebellion, but had been convicted: it was never intended to pay for it. He did not believe that by the commission, or instructions which were issued by the Members opposite, it was intended by them to compensate such losses; they clearly showed that they did not. They had only used the same terms as the Members opposite; and he would ask with what fairness they could put a different interpretation upon the present resolutions from what they put on their own? Was it fair to those who were obliged to carry out the measure which they had left unfinished?"

He goes on to say—

> "It was not intended to pay the losses of parties who were actually in arms, but it was obvious that when the line of demarcation, marked by the decisions of the tribunals, was passed, they embarked on a sea of difficulty. He entirely agreed with the remarks of his hon. Friend from Norfolk. As a matter of policy it would have been wrong, after the Act of Amnesty had been passed, and would have been impolitic, unjust, and disrespectful towards the Queen's Commission."

The same ambiguity I find in the Act appears in the declarations of the persons who were responsible for its introduction, and who ought best to understand its sense. Here is the declaration of another Gentleman, to which I have pleasure in referring. It is the opinion of Mr. Jones, a person who has the character of being independent of party connexions. He says—

> "He had come into this House predisposed to support the Administration, professing then to be, as he was still, a liberal in his opinions."

He then goes on to say, that he had interviews with a leading member of the Government, being anxious to get through the web of sophistry and ambiguity that surrounded it at the real nature of the case. He took the sensible course of waiting upon the Prime Minister, to ask him what the intention of the Act was, the Prime Minister being also prime legal adviser. He says—

> "As the hon. Member (Mr. J. Morris) to whom he had alluded had thought proper to advert to a statement made to him personally by the hon. Speaker, which he said induced him to support the Bill alluded to, he (Mr. Jones) would advert to what took place between himself and another hon. and distinguished Member of the Government, at a private interview, in contradiction to what the hon. Member had stated as the views entertained by the Administration, expressed to him by the hon. Speaker. At the interview he referred to, after considerable conversation on the subject of the Indemnity Bill had taken place, and considerable difference of opinion arisen between them in respect to it, in order that he might not mistake the views of the hon. Member of the Government, he (Mr. Jones) had named three or more persons whom he and that distinguished Member of the Government both knew to have been engaged in overt acts of treason and rebellion, that they were persons who had taken up arms to subvert the Government—he asked him if those individuals would be entitled to indemnity under the Bill. That hon. Member of the Government was too honest and too honourable a man to attempt to deceive him; he therefore answered him candidly and frankly, that they could make no distinction, and consequently those persons could not be excluded from being indemnified for their losses, if they had sustained any. He should not have adverted to this circumstance had he not deemed it necessary to do so, to meet the assertion openly made by the hon. Speaker from his place in that House, and the statement of the hon. Member who had based his opinions upon the information he had personally received from the same hon. individual."

I will next refer to the highest authority on the subject. I find that the Earl of Elgin, in his answer to an address from the district of Victoria, says—

> "I am bound to say, in justice to the large majority of your representatives by whom this Bill was sanctioned, that it is my firm belief that they did not intend in passing it to countenance rebellion, or to compensate the losses of persons guilty of the heinous crime of treason; but that their purpose was to make provision for the payment of claims arising from the wanton and unnecessary destruction of property [but whose?]—which is the cruel, though perhaps inevitable, accompaniment of civil warfare—claims which had been already recognised by the deliberate Acts of preceding Parliaments and Governments. Under this conviction I assented to the Bill, and in this spirit only could I ever consent to the Executive Government to give effect to it."

If you take the first part of the declaration it is satisfactory. It appears from it that it is not intended to compensate persons guilty of the heinous crime of treason. If you took the language of that part alone, you would suppose that those who bore arms against the Queen's troops would be utterly disqualified; but when the Earl of Elgin says it is necessary to make compensation for claims occasioned by the wanton destruction of property, I must think that the compensation is to be given on the ground of there being a wanton destruction of property, and not with respect to the character of the party claiming. I hold that a person in arms against the Queen's troops is utterly disqualified by his own act. I have nothing to do in such case with the inquiry as to whether the property is wantonly destroyed. He who takes arms against the order of society has no right to invoke its laws. He goes beyond the limits of the law, and has no right to ask for a remedy in a court of justice. He has no right to ask you to see if the destruction of his property has been wanton or not wanton. He labours under a personal disqualification, and you must decide on the fact—Did he bear arms? Perhaps the general bearing of the passage I read would be, that it was not intended to compensate those who bore a part in the rebellion; but in a paragraph in the Earl of Elgin's despatch to Earl Grey, he refers to the address in 1845 presented to Lord Metcalfe, and he says—

> "In order that the scope and purpose of the address thus unanimously voted, and of the measures taken by the Government upon it may be properly understood, it is necessary that attention should be directed to the following circumstances. Ordinances were passed by the Special Council in the years 1838 and 1839, under which the losses of these loyal inhabitants of the province whose property had been destroyed while they were supporting the Government, had been ascertained and reported upon. It was, therefore, clearly the intention of the Government and Parliament, in the proceedings adopted at this period, to extend the indemnity beyond that limit."

Is that so, or is it not? The Earl of Elgin's statement, I think I will be able to show, is not an accurate statement. It is not true that all the losses of the loyal inhabitants were then reported; for if you refer to a letter of Lord Sydenham, you will find that he put an end to the proceedings of the commission in consequence of insufficiency of funds. But in the Earl of Elgin's despatch, you have stated that the loss of the loyal inhabitants has been already reported upon and ascertained. He says the Government of 1845, as he thinks, intended to extend the limit beyond loyal inhabitants; and I want to know how you can exceed the limit of loyal inhabitants, and exclude those persons who took part in the rebellion. There is one other proof of the intention of the Bill to which I must refer; it appears to me of the simplest kind, and I should greatly depart from the principle I laid down, and greatly belie my desire to bring out the facts and true meaning of the case, if I did not advert to it. That I find in the character of the amendments to the Bill that were submitted to the Assembly during a part of this discussion; and I think, from the spirit of those amendments, and the divisions that took place on them, there is afforded the clearest evidence of the views of the legislature. There was an amendment that referred to parties in any way implicated in the rebellion; and I am afraid that under such words as these, men's politics might be inquired into, if they had made intemperate speeches, and if their conduct had tended in any way to produce the rebellion. I think the House of Assembly was right in rejecting an amendment that would produce an inquisition into anything but the actual proceedings of the parties. But a Mr. Wilson proposed an amendment which, setting aside all sophistry and ambiguity, brought the question to issue. The words of the amendment were, "that all the words after Bermuda be left out, and the following inserted, 'nor any person who aided, assisted, or abetted the said rebellion shall be entitled to any indemnity.'" Those words referred to overt acts alone. They avoided all reference to political conduct—they defined the line that a Government should take who wishes to sustain its honour, and not put a premium upon disaffection; but that amendment was rejected. When we hear so much of the overwhelming majority by which this measure was sanctioned, it is right to mention that the amendment, though lost by a considerable majority, was not lost by a majority that was against the others, but by a majority only of 44 to 28, in the present Assembly of Canada. I have now said what I think it is necessary to say on the evidence we had of the scope and intentions of this Bill, and I am brought by it to the conclusion, that although the construction of the Act may be to some extent ambiguous, yet there was an evident intention, on the part of the framers, not to treat a participation in the rebellion as a disqualification from indemnity; and although the language of the Act may leave it open to doubt whether they have given full effect to their intention, yet, altogether considered, it is too probable that the Act itself, when it comes to be put in practice, would be construed and acted upon in the sense I describe. If I could avoid coming to the conclusion at which I have arrived—if I could honestly have adopted a different belief from that which I entertain, it would have saved the necessity of noticing the proceedings on the floor of the House; but, viewing it as I do, I think it is a case for notice here. If it appears probable that it is intended to give compensation to rebels in consequence of the losses they have undergone in and through their rebellion, that is a case (so long as free institutions exist amongst us) to which we never should refuse our consideration. An objection to making the distinction I propose is, that you cannot tell who are rebels and who are not, it is so long a time ago. I will not take upon myself to prescribe the legislative machinery for determining who were wrong or who were not. I think that is a matter that properly belongs to the legislature of Canada, and it would be an undue and ungracious interference with their functions if we were to undertake to point out the legislative means by which the fact is to be ascertained whether a man assisted in the rebellion or not. But if it is to be made a matter of serious argument that the difficulty of ascertaining who are rebels is so great that you will not inquire into it at all, but receive all the claims in bulk irrespective of that question, it is either an attempt to palm upon us a delusion, or it is the act of men labouring under a great delusion. This was not the first time such a question was raised, or that rebellion losses were under discussion. We have the Canadian ordinances already existing; in 1838 and 1839 Acts were passed for the purpose of dealing with those questions, and affording compensation to the loyal inhabitants. There then was no difficulty in dealing with it, and those ridiculous and captious objections were never invented until it was necessary to serve a purpose by obscuring the aims and objects of certain parties. In the case of Ireland, in the same way, three Acts were passed to give compensation to the loyal subjects of the Crown, for the losses they had suffered during the rebellion; and with respect to the cases of the claimants, a jury was empanneled by the sheriff to try the question of fact. That mode might be adopted in Canada, or the person claiming compensation might be called upon to make an affidavit that he did not bear arms to take part in the rebellion. There is nothing unconstitutional in that; at the same time it is not for me to point out the precise means by which it should be done, but the whole matter is perfectly plain, and it has been done over and over again without difficulty. Be that as it may, I stand on the principle that any person claiming public money is himself subject to the onus of proving that he is qualified to receive it. I doubt if a man of the largest experience can quote to me a case in which the public money was paid in the nature of indemnity or compensation without your throwing on the party that got it the onus of proving that he was qualified to receive it. But there is another mode of dealing with the question. There are gentlemen in Canada who say that every man is innocent until he is found guilty; and as the parties have not been found guilty, they are not rebels. That is a straining of the legal doctrine; but the argument is answered by the observation I have already made, that the universal practice in paying public money is to throw on the recipient the proof that he is entitled to receive it. An Act of Amnesty has passed, and that places every man, in the eye of the law, as if he had not rebelled. But what does that mean? An amnesty may be said to arise from the past: it certainly covers the past, and prevents a man from being called to account for anything he may have done at the period to which the amnesty refers; but it does not cast the veil of oblivion over the past—it does not sustain the application of the rebels for any claims they make in consequence of losses they have incurred from their acts of rebellion. I now come to another matter, on which great stress is laid; it is, that the sense of the people of Canada being in favour of the measure, it is not for us to question it. I look with the greatest respect to the opinion of the people of Canada, and regard it as conclusive within their own sphere—that is, in all matters that properly belong to the province of a colonial legislature; but even if the sense of the Canadians were pronounced in favour of the measure (a case I believe the furthest possible from the fact), that is not a sufficient reason for our refusing to inquire into it. I cannot admit that the sense of the people of Canada is to limit the criterion that ought to be taken on imperial questions, and involving the highest imperial considerations. If this question involved local considerations only, I would bow to their opinion at once; but as it involves imperial questions, here, and here only, can it receive its final decision. I am anxious to avoid identifying myself with any of the colonial parties, for nothing can be more opposed to the development of true liberty in the colony than that we should identify ourselves with parties there —and I will endeavour to avoid doing that; but I cannot deny that my sympathies are with the men in Canada who think that those persons who took part in the rebellion ought not to be compensated. That is my opinion; but I will endeavour to avoid saying anything offensive or disgraceful to one party or the other. Looking to the conduct of the legislature, I consider that the division on Mr. Wilson's amendment affords the true test of their opinion, for on the second or third reading of the Bill, Gentlemen who had constituents claiming compensation would be placed in a difficulty if they refused to read a Bill that gave them compensation. On the division on Mr. Wilson's amendment, there were 44 against it, and 28 in favour of it; and that, if carried, would have excluded all rebels from compensation. The Earl of Elgin refers to the majority from Upper Canada on various stages of the measure; but on analysing the division on Mr. Wilson's amendment, it will be found that of 35 Upper Canadian Members who voted on the occasion, 13 voted in favour of the Bill and against the amendment, and 22 in favour of the amendment. There was, therefore, a large majority of the Members of Upper Canada who voted in favour of the measure; and it is undoubtedly true, that among that majority are to be found many who in their general temper and politics are most favourable to the Administration as it at present exists in Canada; but, on the other hand, there are some six or eight Gentlemen who were the habitual and steady supporters of the Government upon every other occasion, who were then found acting with the opposite party, and who ranged themselves against their friends to vindicate what I think to be the honour of the country. So far, then, with respect to the sense of the legislature of Canada. But what is the sense of the country? What is the sense of Canada as expressed by the petitions and addresses to the Governor General? I am sure that the Governor General of Canada, and Her Majesty's Government, following the course of the Governor General, have shown no disinclination to attach due weight to these opinions and addresses, because I think there are about forty pages consecutively of papers just laid upon the table of the House, of petitions and addresses, many of which are literally and word for word the same, all detailed in the most imposing manner, and paraded, I might almost say, before us, so as to produce the utmost effect of which they were capable, all those addresses being addresses to the Earl of Elgin, and I think addresses with about 15,000 signatures in favour of the policy of the Earl of Elgin's Administration, and generally expressing confidence in them. But the most remarkable fact is, that even among all these addresses, presented to the Earl of Elgin, for the purpose of supporting his Administration, I am not sure that there is more than one or two which expresses in terms its approval of this Bill. From that circumstance I am compelled to draw the inference, that although many who signed these addresses might have been favourable to the Bill, yet they knew that it was a bad question upon which to test the public feeling of the country, and that therefore they suppressed the mention of the Bill, and gladly fell back upon their general political and party associations, in order to obtain the signatures of the 15,000 or 16,000 persons to addresses from the different parts of Canada, expressing confidence in the Earl of Elgin's Government; but they could not venture the risk of losing these addresses by embodying in them anything like an approval of the Bill. There is, however, one large address from Montreal, and several from different parts of the country, expressing great admiration of the character and talents of the Earl of Elgin, and, generally speaking, commending what they call the constitutional course which he has pursued ever since he accepted the Governor-Generalship of Canada; that, I suppose, has reference to his conduct in giving free scope to what may be called the principle of responsible government. There is another most remarkable fact in connexion with these addresses, which is, that scarcely any of them are represented as having been agreed to at public meetings convened for that purpose. How are we to account for that? The gentlemen from whom the addresses proceeded are those who have ever been the most eloquent in favour of perfect publicity in all public proceedings. In this country we know there is always a great difference in the weight attached to petitions presented from public meetings, and those which emanate from other sources. I might quote as an illustration of this, the case of petitions which were presented from Liverpool on the subject of the navigation laws, one of which was no doubt signed by very respectable parties, but it was not got up at a public meeting, while the petition in favour of the measure was got up in that manner. There is always in this House a great deal of "see-sawing" with respect to the respective value of petitions presented upon any subject, as to the mode by which they may have been got up. When there is a strong popular feeling which sets in one direction, it takes effect in the form of petitions agreed to at public meetings, and, generally speaking, those meetings convened under the constituted authorities: when there is a feeble popular sentiment, and one which has not confidence in itself, then, generally speaking, the petitions wander from house to house, or are only submitted to some select committee, and the result depended upon is the number of the signatures; but such petitions could not be said to represent so accurately the sense of the community. Is it not a remarkable fact, if it be as alleged, that the popular feeling is so greatly in favour of the measure, that there is scarcely an account of a petition proceeding from a single public meeting among the whole of the forty-three pages of addresses which have been presented to this House? I have gone through the whole of them patiently and diligently. I may possibly have omitted some of them, but in the whole of my examination I have only been able to extract four which have so proceeded. The first is from a meeting held in the parish of St. David's, which describes itself as being agreed to at "a general meeting of the freeholders of the parish." Now, the freeholders of a parish, I apprehend, do not tell much as against the whole of Canada. The second is from the parish of St. Antoine de la Baie, which is stated to have proceeded from a "public meeting duly convened by public notice." The number of signatures to it is twenty-four. That is not of very much weight in favour of the measure. The third is from the Bathurst district, agreed to at a public meeting called on requisition by the sheriff. The fourth is from Glengarry county, proceeding from a public meeting convened by a formal and most numerously-signed requisition. There were some two or three petitions adopted at what they call "public meetings," but generally speaking these petitions appear to have proceeded from private individuals, and the signatures to them had been obtained without the originators of them venturing to appeal to public opinion on the subject. I exceedingly regret that the Earl of Elgin has not done quite independent justice to the petitions from the other side. There are forty pages of addresses, really enough to tax the patience of any mortal man. Forty continuous pages of those addresses —many of them word for word the same— have been presented to us; but where are the addresses on the other side? Were they so few? Were they so insignificant? Were they merely "hole-and-corner" petitions? Where is the notice of them? Why not let us have forty pages of them? Would it not have been more like fair and impartial justice for the Government to have given us them, rather than give us all on one side of the question? Are we to look up to the Government as advocates of the question? Is it not rather the duty of the Government to lay the whole of the case before us, and make a full and frank exposition of the whole merits of the question? The Earl of Elgin, in his despatch, says, with respect to these petitions—

> "A considerable number of petitions against the Bill were sent up from different parts of the country, the great majority addressed to me."

One of these petitions from Kingston, signed by 300 persons, is given to us. I have no doubt the Government are not in possession of any other. All the authority and weight of those petitions is therefore completely lost to us. All we know is that a considerable number of petitions were presented against the measure. This is a matter of some importance, as, in the absence of official information, we are compelled to refer to information not of so authentic a character. I am told, however, upon very good authority, that the number of petitions against the measure was far greater than of those in its favour. We have seen already that the friends of the Bill did not venture to appeal to the tribunal of the public of Canada; but the allegation made to me by two or three most respectable authorities is, that the opponents of the Bill, in almost every instance, made their application either to the mayors or the sheriffs, to convene the meetings—that they met under their auspices—that the whole community were invited by public notice to attend— and that in every instance they carried petitions against the Bill, in most cases unanimously, and in every case where there was opposition, by large majorities. I have seen a list which has been collected of addresses against the Bill, with of course imperfect means, from Canadian newspapers in this country, and it is stated of very many of them — I cannot state the number exactly—that not only were they petitions adopted at public meetings, but at public meetings of counties, towns, and parishes, as the case might be, regularly called under the auspices of the local authorities, and in the face of the constituted Government. I entirely demur, therefore, to the assertion that the sense of the people of Canada has been expressed in favour of this Bill; and I say, that if even it were so, it would not conclude the matter of a Bill which involved imperial considerations. This is one element of importance in the case; and without going at all into the question of whether one party is right, or another wrong, and looking only to the expression of the opinion of the people as a matter of fact, I do not hesitate to affirm, that although I have no doubt the majority of the inhabitants of Lower Canada may be in favour of the Bill, I have every reason to suppose that with respect to the inhabitants of Upper Canada, the public sentiment in general is opposed to the measure we are now discussing. The third and last argument which has been urged in favour of the measure is, that there have been anterior proceedings upon our part of such a nature as virtually to fetter our discretion in dealing with this question, and that these proceedings have been partly in Upper and partly in Lower Canada. Now, Sir, I will take first the case of Lower Canada. In that province there was an address presented in the month of February, 1845, to Lord Metcalfe. There was, however, nothing in that address which would involve compensation for the losses of rebels. Even if that letter was ambiguous in its terms, there was no ambiguity in the commission issued by Lord Metcalfe. The terms of that commission were such as it was quite impossible for any person, whatever might have been his bias, to misunderstand. In that commission it is expressly stated by Lord Metcalfe—this was, I believe, one of his last acts—that the several persons named in the commission were

> "To be commissioners for inquiry into the losses sustained by Her Majesty's loyal subjects in that part of the province of Canada which formerly constituted the late province of Lower Canada during the late unnatural rebellion."

I cannot help reflecting with great satisfaction, in a matter of this kind, involving such deep interests, that the last act of that distinguished nobleman should have resembled all which had proceeded from him—that in all his public career he had but one thought and one desire—that of discharging, under difficulties almost unparalleled, and while he was suffering the extremity of physical torture—duties the most arduous, but at the same time the most honourable, to his Sovereign and to his country, in which he showed all the wisdom of the statesman; but with the wisdom of the statesman as brilliant a courage, although different in kind, as any hero had evinced in the battle-field. After this commission had been issued, ambiguous language began to be used. I have not had an opportunity of hearing from a noble Lord who is now in this country what is his construction of the subsequent proceeding which took place in Canada; but I do not believe that those proceedings imply, or that there really was any intention of admitting the qualification of rebels to a compensation for any losses they might have sustained during the rebellion. There is no doubt, however, but that ambiguous language, very shortly after the death of Lord Metcalfe, began to mark the official communications. On the 12th of December, 1845, the commission issued by Lord Metcalfe was sent to the commissioners, and they are instructed in very clear form in the first instance—

> "Carefully to classify the cases of those who may have joined in the said rebellion, or may have been aiding and abetting therein, and distinguish them from the cases of those who did not."

But, on the 27th of February, 1846, a change came o'er the spirit of the dream, and Mr. Daly addresses a letter to the commissioners, in which he states that—

> "In making out the classification called for by your instructions of the 12th of December last, it is not his Excellency's intention that you should be guided by any other description of evidence than that furnished by the sentences of the courts of law."

It is urged by those who are the advocates of the present measure, that they have done nothing more than was previously intended by Mr. Daly and his colleagues, to mark off and prescribe those who had been convicted in the courts of law, and that the principle of the measure is extended in order that it may include those who, when convicted, were transported to Bermuda. Now, let us see what is to be said upon the other side. When Mr. Daly, in whose veracity I place the fullest confidence, was over in this country, he expressed a desire to call upon me and give me his explanation of his letter of the 12th of December, with respect to the classification of the cases, and of the statement which had been made, that he wished to classify those who were engaged in the rebellion into those only who had been convicted in courts of law and those who had not. I think it fair to state that the explanation which he then gave me, as to the difference between the letter of February and that of the 12th of December, fully bears out my opinion that compensation to rebels was never intended by any previous Act of the Government. I think it would be well if the House had the whole of these two letters before it. In the first letter of February, it is stated that the commissioners are to inquire "into the losses sustained by Her Majesty's loyal subjects during the late unnatural rebellion." In the letter of the 12th of December, the commissioners were told—

> "You will accompany your report on the claims investigated by you with such remarks as may be necessary to a perfect understanding of the matters entrusted to your investigation, in order that the same may be submitted to the provincial legislature at its approaching Session."

Now, this was entirely contrary to the letter of the 27th of February, which stated distinctly—

> "His Excellency considers that you have no power as commissioners to call either for persons or papers; and that you must, therefore, be satisfied with such general evidence as the claimants may produce, or as may enable you to form a general estimate of the losses they have suffered. The object of the Executive Government in appointing your commission being merely to obtain a general estimate of the rebellion losses, the particulars of which must form the subject of more minute inquiry hereafter, under legislative authority, his Excellency cannot regard it as necessary that you should travel to the country parts of the district to obtain such particulars."

Well, now, suppose a man came forward and said, "I claim such and such a sum of money"—suppose he chooses to say that he is a qualified claimant, the commissioners have no power to cross-examine him, to call for any other evidence: it was impossible for them to complete the classification. But Mr. Daly said, "we thought it necessary to have this preliminary classification;" and there was no presumption, from any of the letters of Mr. Daly, that it was the intention of the Government to compensate rebels. Mr. Daly stated at that time, upon the part of his colleagues, they being then the responsible advisers of the Governor General, that they had not contemplated the payment of those who had been engaged in the rebellion. I should add, so far as Mr. Daly is concerned, that while I place the most implicit reliance upon his statement, I confess that it remains unsatisfactory that language of so ambiguous a character should have entered into the subsequent proceedings, or should have crept into public documents of so important a character upon this occasion. But while I make these observations, I must still maintain that, even if it were true that a body belonging to a party in Canada had done any more than reopened what had been done by another party previously, we have nothing to do in the last resort with the views of either the one party or the other upon matters where the imperial honour is concerned. These proceedings were not legislative proceedings. They were never known or heard of in this country until long after they had taken place. They were purely of an executive character, and in no degree pledged the Crown or the Legislature of this country. With respect, Sir, to Upper Canada, it is said that an Act was passed there with the view of compensating the rebels—convicted rebels—traitors—those who had gone through a court of justice; and, that being so, it would be injurious in the last degree to procure the application of a rule to Lower Canada less favourable than that which was applied in the upper province. I admit that I should feel the greatest difficulty, and it would in no degree diminish the dissatisfaction and feeling of pain and disgust with which I should contemplate the sanction of authority to such a law, if I were sure that such an intention had existed. But, Sir, this Act did not contemplate the payment of rebels; and we have the most conclusive evidence that a rebel was never paid. Now, with respect to the Act, let us see what was its effect. The first Act which was passed was in 1838 (1st Vic., c. 13) which authorised the appointment of a commission to investigate the claims of certain inhabitants of this province for losses sustained during the late unnatural rebellion. The terms of that Act, certainly, did not appear to contemplate the compensation of rebels. The second Act (2nd Vic., c. 68) provided for the payment of those claims. The third Act (3rd Vic., c. 76) extends the provisions of the former Act, not only to losses in the rebellion, but to losses sustained in the province by American sympathisers, who had inflicted great loss upon the province during the rebellion. The 5th Vic., c. 39, which was passed in 1841, was passed for the purpose of amending and extending the former Acts, and it empowered commissioners to inquire into losses—

> "Occasioned by violence on the part of persons in Her Majesty's service, or by violence on the part of persons acting, or assuming to act, on behalf of Her Majesty, ... or in respect of the occupation of any houses or other premises by Her Majesty's naval or military forces either imperial or provincial."

Happily, we have a perfectly authoritative exposition of the meaning of that Act. It is perfectly plain that there were certain classes of losses arising during the rebellion, in consequence of violence used by persons in Her Majesty's service, which ought to be compensated, but whether from the military chest, or by a charge upon the revenue of the province, was another question. But there cannot be a doubt but that, in cases where parties had been induced to surrender their houses to damage and destruction in order to facilitate military operations, the parties ought to be compensated. There is a letter among the papers first laid before us, in answer to an address from the House, from Sir Richard Jackson, then a law adviser of the Governor in Canada, defining the purpose of this Act. The letter refers to the case of a Mr. Isaac Smith, whose house had been destroyed by the military. Mr. Smith was a man of undoubted loyalty, and he gave up his house in order to facilitate the operations of the military, and he subsequently claimed compensation for the damage done to his property upon that occasion. With regard to the province of Lower Canada, there was no provision made for any such compensation. Sir Richard Jackson stated, with respect to that case—

> "Lord Sydenham directed a Bill to be introduced into the Legislature, to provide for the liquidation of all claims of this nature in Lower Canada, as had previously been done in the upper province."

There was, therefore, no foundation whatever for supposing that an Act had ever been passed in Canada with the intention of compensating rebels. But another statement had been made by those who were in favour of this Bill—that rebels had been compensated under the Government of Upper Canada. I should say, if such a circumstance had occurred, either incidentally or through the necessary infirmity of human legislation, we ought no more to hold the Legislature responsible for it, than we ought to consider the Legislature of this country responsible for an error in the Bill respecting the corn laws, in the year 1842, under which it happened that a man, introducing his corn between the lapse of the old Act, and the period of the new law coming into operation, recovered 20,000*l.* of the public money, which was returned to him. But I say that, according to the best evidence in our possession, the whole of this part of the case completely disappears. I have in my hands evidence which appears to me perfectly conclusive on the subject, but which I have only received this morning. I believe the allegation that the rebels had been compensated in Upper Canada was made by Mr. Hinckes. That gentleman, as inspector of public records, was officially cognisant of all the various sums which had been paid for compensation, and he produced all the cases which he could discover. I believe there were but five—at least I have not heard that there were more than that number. [Mr. HAWES dissented.] Then I say if there were more, we ought to have the particulars of these cases; and I say that we ought also to have the assurance that those cases were contemplated by the law before they could be of any avail as an argument in favour of this Bill. The object of the Act was totally different from that. Now, it appeared that during the rebellion the troops passing through the towns of Canada, being in want of supplies, and not having money, gave notes of hand to the people for the provisions which they obtained. These notes, respecting commercial transactions entered into with the parties, were generally paid without inquiry as to whether the holders were rebels or not. I do not think those notes came under the operation of the Act at all. The words of the Act do not authorise the commission to entertain questions arising out of those transactions. I dispute the legality of the acts of the commission in paying the bills run up by Her Majesty's forces. Their duty was to compensate rebellion losses, and not to pay demands arising from such a course of proceeding. Now, it is very singular that with respect to those five cases which have been produced, I have been furnished with the details and particulars of each, and it appears that Mr.

Hinckes has been misled and deceived all through the affair. Unless other parties are telling gross falsehoods, Mr. Hinckes has been most grossly deceived, and has made himself the involuntary instrument of spreading the grossest errors upon this subject. Now, Mr. Hinckes gives the names of five persons—Mr. Malcolm, Mr. Hall, Mr. Duncombe, Mr. Hagerman, and Mr. Tooke. His allegation is, that Mr. Malcolm and Mr. Hall were convicted traitors. Now, on the other hand, I am told by Mr. Cayley, that neither of those persons were convicted traitors, that it is quite true they went into a court of justice, but, instead of being convicted, they were acquitted. The payments made to them were not, therefore, for rebellion losses; but the two sums, one of 37*l.*, and the other of 24*l.*, were given to them as satisfaction for their claims for supplies, which came under a category altogether different. With respect to Mr. Duncombe, the allegation of Mr. Hinckes is, that he was a fugitive from justice, and that he claimed and got 500*l.* as compensation. I have here a letter from Mr. Ingersoll, one of the commissioners of compensation himself, dated March 20, 1849, in which he states that Mr. Duncombe never was paid, and not only that he never was paid, but the compensation was never claimed. It was perfectly true that he was a rebel and a fugitive from justice; he never received a farthing, and never claimed it. The mistake arose in a very ludicrous manner. It appeared that a reward of 500*l.* was offered for his apprehension; that the reward was claimed; and that this claim for Mr. Duncombe was mistaken for a claim by that gentleman. With regard to Mr. Hagerman, Mr. Ingersoll has informed me most distinctly that he was tried but acquitted. Not being convicted, he was reinstated in all his rights and privileges as a free-born subject of Her Majesty. The last case is that of Mr. Tooke, who, Mr. Hinckes said, had been convicted of high treason, and sentenced to be hanged. The answer of Mr. Ingersoll is, however, as conclusive as anything could be upon that point. Mr. Tooke, according to that gentleman, never made any claim whatever, and I need scarcely add, that he never received anything. I may state that, so far as anything in the nature of definite evidence was before the House, there was not the slightest shadow of ground to suppose that any person who had been convicted had received any compensation, and that even the allegations of compensation having been made for rebellion losses was perfectly insignificant, and altogether with respect to a distinct and separate class of cases. So far, therefore, I think I have disposed of the objection to which I have referred—that we should not proceed in this matter, because we cannot distinguish the rebellious from the loyal inhabitants of the country; that we should not proceed because our own discretion has been virtually fettered, if we have any regard to consistency, by the proceedings which have already taken place in Upper and in Lower Canada. No one of these three objections now remains to fetter our discretion, or to absolve us from the great duty incumbent upon us to effect, if possible, some settlement of this great question. In so doing, due regard must be had not only to imperial interests, but also to the honour of the Crown. What I contemplate, then, is this. When we are told that we cannot distinguish in every case who may have been a rebel, or who may not have been, I should propose that every man who applies for compensation should produce *primâ facie* evidence that he had not taken any part in the rebellion. I hope that that is both plain and intelligent; and I would also suggest that the fact of the claimant having taken any part in the rebellion shall be in itself a disqualification for receiving compensation in respect of losses incurred during that rebellion. I do not wish to ask for anything beyond what regard to the first principle of public honour seems to me to require. I cannot find words strong enough to express my conviction of the height and strength of the obligation which is now imposed upon us, to see that those principles are fully satisfied. And now I do not propose to ask the noble Lord opposite to advise Her Majesty to disallow this Act, because it appears to me that there is a course which may be taken which is a much milder one, and which at all events will testify to every impartial mind the anxious desire of this House to avoid anything which can look like narrow or mistaken views upon this subject. I ask the noble Lord to give us the assurance, if he can, that under this Act, as it now stands, the rebel is not to be compensated. I use the word "rebel" in its plain meaning. I do not mean merely that the convicted rebels shall not be compensated. I mean that the men who are known to have taken part in the rebellion shall not be compensated, and that there shall be reasonable and *primâ facie* evidence—such evidence as an affidavit might supply, or such evidence as may easily be suggested by other modes—that the parties did not take part in the rebellion before the House became recipients of the public money. That is one of the alternatives that I should propose. I should be most gratified if the noble Lord could give me that assurance. Of course whatever may be the assurance of the noble Lord as to his intentions, the judges in Canada will only give effect to the law as it stands, in spite of any construction which he may put upon it. I am, however, advised that all this measure is really open to the construction, however clear may be the intentions of its framers, that it may include within its purviews some persons who are notoriously known as rebels. I ask the noble Lord, therefore, if he can, to give us a distinct, responsible, and authoritative assurance, that if, upon the best advice given to him—for of course he has at his command the best legal advice in Canada—the provisions of this Act would not extend to the payment of those who took part in the rebellion—if the noble Lord cannot give that assurance with respect to the Bill as it now stands, or that its effect will not be to qualify for receiving compensation in respect of certain losses incurred by those who bore arms against the troops of Her Majesty in 1837 and 1838—I do not hesitate to say that the mildest measure we can take, and which will satisfy the justice of the case, will be to obtain from the noble Lord the assurance that the Crown will not be advised to issue the Order in Council authorising the proceeding under the Act for the purpose of giving effect to it at present—for I observe that all the subsequent proceedings are in the discretion of the Governor General, but that it will be suspended until an opportunity shall have been given to the legislature of Canada to amend that Act in another Session, by providing that no compensation for losses sustained during the rebellion of 1837 and 1838 in Upper and in Lower Canada shall be paid to persons who then bore arms against the troops of Her Majesty, or otherwise took part in the rebellion. I hope the noble Lord will be inclined to accede to that demand. What will be the issue of the struggle going on in Canada, I know not. I earnestly hope that it may be such as may be for the happiness of the people of that country; and if it be for their happiness, I am sure that we can have no reason to desire any other issue. It is possible that this measure and the struggles connected with it may lead to the entire dissolution of the Canadian union. I can conceive that it may eventually lead to a general union of the North American provinces, into which the two divisions of Upper and Lower Canada would enter; and, for my part, I should rejoice if some such result should ensue. I should rejoice if these ill-omened beginnings should end in placing on a firmer footing the connexion between this country and the colonies, while it diminished the charges which this country has at present to bear, and secured and consolidated our colonial empire. But if the noble Lord says he cannot give us that assurance—if the construction of the Act is to be left to the courts of law—and if the legislature of Canada is to be invited to adhere to their own acts, what will follow from that refusal? Constitutional expedients are not thereby exhausted. I think it would be premature to say what course should be adopted; but I will say that under no circumstances whatever, that I can contemplate, could I for a moment consent to be a party to any other than constitutional means of redress. I am deeply convinced that the Queen has no interest in obtaining from the people of Canada a coerced obedience. What I require is, that the people of Canada should pronounce their judgment on every question in which Canada is concerned, having the issue clearly before them, knowing what they are about, and keeping in view imperial interests and imperial honour; but a coerced obedience I should not be willing to accept, either from Canada or from any other of our colonies. Any obedience which is rendered to the Throne of these realms must, to be useful and honourable, depend on the free and unbiassed judgment and inclinations of those who pay it. But, then, I must say that there might be questions connected with the honour of the Crown here, which would impose upon us the duty of looking to what the honour of the Crown requires, without reference to the course which the feelings and wishes of the people of a colony might induce us to take. I am not prepared, be the consequences what they may, to be a consenting party to advising the Crown — as might be done by the tacit acquiescence of Parliament—to assent to any act of a colonial legislature which I believe to be essentially dishonourable to imperial rights. There may be some who look on the honour of the Crown as a mere phrase —a phrase involving no substantial or intelligible idea—who think it is a romance, or possibly regard it as a plea urged for persistence in bad ends, when pride or shame forbid you to take the manly course of avowing that you have done wrong. In that sense I have no respect for the phantasm or mischievous dream of national honour. When I speak of national honour, I mean something very different. When I speak of the honour of the Crown, I mean neither more nor less than a faithful discharge of the duties of Government, for the honour of the Crown consists in that; and one of the first duties of a Government is that which appertains to the maintenance of public order, and which requires you to draw a clear line of distinction between those who rise up against the Government, and endeavour to overturn it by violence, and those who respect its laws, and who are ready to support it with their lives and substance. But if you obscure that line of demarcation—if you allow the loyal man and the rebel to be confounded—if you pervert the principles of mercy, which makes punishment lenient, and erect them into a law against the principle of justice, which determines between right and wrong, then you sin against the honour of the Crown, and abandon the most sacred duties of a Government. And now let us consider what the effect of an opposite course—a course opposite to that which I hope will be taken—will be. In what position do you intend the troops who are quartered in Canada to stand? They are there not merely for the purpose of repelling foreign aggression, but for the purpose of maintaining the public peace. The noble Lord at the head of the Government told us, the other day, that there were only two constables at Montreal. There was an error in that statement; but, at the same time, there is not the slightest doubt that the statement was in substance so far correct that the police force of Montreal was ludicrously small, and that the main support of the owners of property in that city is to be found in the gallant soldiery of England. But in what a position do you make that soldiery stand, if one year they are called out into the field, to deal around them wounds and death on those who are rebels, while in the next year they see those persons qualified for public compensation or reward? Consider what may take place in the colony under circumstances like these. In a colony where party spirit runs high, and political changes, owing to the alternate preponderance of one party over another, are very rapid—for I am told that in Upper Canada no two Assemblies in succession for the last twenty years have represented the same political party—the reins of power are alternately thrown into the hands of one party and then the other. If these unhappy riots had lasted more than a day—if the banner of rebellion had been unfurled, and the troops had been called upon to act, I must remind the House, passing over the painful feelings with which these gallant men would have discharged their duty, that they would probably have done great injury to property, and in another year these rioters in Montreal might have come forward for compensation. And so, as the scales of political influence incline, one party may become rebels, and the gallant army of England is to stand by and execute the orders of the advisers for the time being of the Governor General. [Mr. ROEBUCK: Hear, hear!] I say that ought not to be. Does the hon. and learned Gentleman deny that that portion of the army of England which is quartered in Canada is virtually under the control of the Ministry of Canada, which depends for its existence upon a majority in the House of Assembly? If that be the case, it follows as a matter of course that we, who are the natural guardians of their honour must be prepared to exercise a voice on all questions where we think that honour is involved; and I say that to leave the troops in this country under the control of local authorities for local purposes is detrimental to the character of that army, and seriously injurious to the interests of the empire. I yet have a hope that the noble Lord may be disposed to grant the demand which I have made. If I have seemed in what I have said to presuppose a hostile decision on the part of the noble Lord, I am sure that nothing will give me more pleasure than to find that I have been arguing without an antagonist. I am anxious to the last degree that all parties in this House should act together on a question of this kind. When we are not united, there is but a choice of evils. The state of this House, in which the elements of party are so disorganised, is so far satisfactory to me on this occasion, that it removes the suspicion of party combination on this high and imperial question, and tends to procure for it a dispassionate consideration. I make my appeal, therefore, to the noble Lord, but I also make an appeal to Parliament, reserving to myself the right of judging whether any and what ulterior measures will be necessary; and I am confident that Parliament—I trust with the Government and under its guidance, if not, then without the Government—will do its duty on this important question to the Crown of England, and will do all that is required in order to maintain untarnished the lustre of that diadem which is the brightest and most distinguished in the world.

LORD J. RUSSELL: Sir, I derived much consolation from the commencement of the speech of the right hon. Gentleman, when he said he wished not to propose any particular course this evening, as he was desirous that the tone of Parliament upon this subject should be an united tone, and he did not wish to make any proposition which would call forth division of sentiment. I had hoped that the speech of the right hon. Gentleman would have been in accordance with that no doubt sincere desire which he expressed, and that he would have given utterance to sentiments in which the Government and the Members of this House might have generally concurred. But, Sir, as the right hon. Gentleman went on, I found I was doomed to be disappointed in that expectation; and I am now obliged to say, that if anything could aggravate the unfortunate dissensions existing in Canada—if anything could embitter the feeling of hostile parties towards this country—if anything could revive a violence of contest which we might have hoped was abating and sinking into oblivion, it would be the sentiments expressed by the right hon. Gentleman to-night. He has stated—and he has stated most ably—the case of one party. He has stated every particular which is favourable to the views of that party now in opposition in Canada. He has supplied the arguments which have been wanting in Canada; he has filled up the defects which appeared to common eyes in the case they have made against the Administration of Canada; and he has endeavoured most ingeniously to meet and to overcome every argument which appears strongly in favour of the course the Governor General has adopted. I must say in the outset, however, that I entirely concur with the right hon. Gentleman—and it is indeed in conformity with the sentiments I expressed in a despatch written, I think, some ten years ago—that there are cases which must be left to the decision of the responsible Ministers of the Crown. There are cases where the honour of the Crown and the safety of this country are concerned, and in such cases it requires the utmost temper in the colonies, and the utmost temper and firmness in this country, in order to prevent differences from being pushed to a collision which might be fatal to the connexion between the mother country and the colonies. I fully admit that there are such cases; but when the right hon. Gentleman goes on to say that he considers the Earl of Elgin has received some instructions from the Government of this country by which he is debarred from asking the advice and direction of the Crown upon questions which affect imperial policy and the national honour, he is totally mistaken in that unwarranted assumption. Neither to the Earl of Elgin, nor to any other Governor of a province, has been committed any other than that general discretion, which must belong to a person in a chief situation in a great possession of the Crown, to judge what are the cases which, however important, are of a local importance, in which he thinks the honour of the Crown may be affected, and in which he considers it necessary to ask the direction of the Government in this country. If the Earl of Elgin, in pursuance of such a discretion, had conceived that to be a mere local matter in which the honour of the Crown was concerned—if he, acting upon his own judgment, had acted in a manner by which that honour had been affected, and the national dignity and the national safety had been impaired, our course, however painful, would be that of disavowing the act of the Earl of Elgin, seeing that his judgment had been erroneous, and that we could not advise the Crown to confirm the decision at which he had arrived. Sir, however painful that course, I trust I should not shrink from taking it if my duty rendered it necessary to do so. But if we believe, as we do believe, that the Earl of Elgin has rightly consulted not only the interests of Canada, but the interests of this country and the honour of the Crown—if we believe he has been guided by a knowledge of the feelings of the people of Canada, and, at the same time, by a loyal and patriotic attachment to the country of his birth and the Sovereign he is bound to serve—I say, if such is our opinion, we should be the basest of men if we were to desert the Earl of Elgin on this critical occasion; and if we were not to take upon ourselves any share of responsibility which this House may think fit to cast upon us. It is not, therefore, as the right hon. Gentleman chooses to imagine, in pursuance of any instructions fettering the Earl of Elgin, and placing him in a position in which it is not fitting to put any Governor, but it is in the exercise of his ordinary discretion that he has acted; and it is in pursuance of our duty that we propose to act in deciding upon the conduct of his Government. With respect to this transaction, the right hon. Gentleman began with the Act which was recently introduced, and he only went back by way of answer to allegations which might be made to the former Acts that had been adopted in Canada. I think, hawever, it would have been the fairer and better way to have begun with those Acts, as, in fact, upon those Acts I think depended the conduct of the Ministry who were the advisers of the Earl of Elgin. I cannot conceive that a Ministry, knowing that the finances of Canada were not flourishing—knowing that many persons were suffering under commercial distress—knowing that the recollection of the rebellion could not but excite bitter feelings—would have introduced a Bill upon the subject of indemnity for rebellion losses, unless under a strong sense that it was impossible, consistently with their duty, to do otherwise. What are the circumstances under which the recent Act was introduced? After the rebellion of 1837 and 1838, a Bill was introduced in Upper Canada, giving compensation for losses caused by the rebels. In a subsequent Session another Act was introduced to amend the former Act; and when Lord Sydenham was Governor of the united province, an Act passed for the purpose of giving compensation, to a certain amount, to persons who had suffered losses during the rebellion. In some of these Acts it was provided that the losses to be compensated should be only losses caused by the rebels. The persons who were to receive such indemity were not, as the right hon. Gentleman would have us now suppose, persons strictly defined as having taken no part in the rebellion; they were only persons inhabitants of Upper Canada. When these compensation Acts had passed (omitting all discussion on what I think was a very futile objection, taken in Canada, that the indemnity was charged upon certain tavern licenses and other sources of revenue, and not on the general consolidated revenue of the province), it was obvious that the course taken, of voting a considerable sum, and of having paid a considerable sum, for rebellion losses in Upper Canada, would raise the question whether or no any such losses should be compensated in Lower Canada, the other part of the united province. After these Acts with regard to Upper Canada had been passed, without any notice having been taken in Parliament with respect to them—the only objection that I made to one of them being that there was a claim upon the imperial funds, and not upon the local funds—the consideration arose what should be done with regard to the further claims which it was obvious would be raised. What I am going to quote from is a despatch of Lord Stanley, dated the 8th of May, 1844. Lord Stanley says—

> "I find that in Upper Canada an Act was passed with the intention of providing indemnification, by the means of debentures, for a certain number of persons who had sustained losses by the rebellion, but which Act, if I am rightly informed, never went into operation. It has been suggested to me that if the claims from both sections of the province were submitted in one application to the House of Assembly, they might receive favourable consideration, and be compensated by debentures."

Therefore, so far as regards claims for compensation from the lower province, the suggestion appears to have been made in these general terms by Lord Stanley, when Secretary of State, and to have gone from him to Sir C. Metcalfe, then Governor of Canada. After this we find that commissioners were appointed to ascertain what were the claims which might be made in Lower Canada. The right hon. Gentleman has quoted certain instructions given to the commissioners of inquiry who were to ascertain these claims. I find, as he quoted, that on the 12th of December, 1845, the administrator of the Government having appointed certain persons to be commissioners of inquiry, said to them—

> "You will, in the performance of the duties devolving upon you under the present commission, carefully classify the cases of those who may have joined in the said rebellion, or may have been aiding and abetting therein, from the cases of those who did not; stating particularly, but succinctly, the nature of the loss sustained in each case, its amount and character, and, as far as possible, its cause."

The commissioners inquired through their secretary what were the powers conferred on the commission to establish the classification required by the instructions, and they were told, on the 27th of February, 1846—

> "In making out the classification called for by your instructions of the 12th of December last, it is not his Excellency's intention that you should be guided by any other description of evidence than that furnished by the sentences of the courts of law."

Now, the right hon. Gentleman tries to get rid of that answer by saying that no doubt there had been a change in the spirit of the councils; that, whatever Lord Metcalfe had thought and done, with that spirit of firmness and loyalty which distinguished him, the Government then existing in Canada had departed from his intentions. [Mr. GLADSTONE: I did not say so. I said nothing about intentions.] The right hon. Gentleman said there was a different spirit, a change in the spirit of the instructions. Now I cannot see why Earl Cathcart is to be put in this invidious contrast with Lord Metcalfe, or why it is to be supposed that he was less anxious to preserve the loyalty of the province than Lord Metcalfe had been, for an officer of more distinguished loyalty, one less disposed to favour rebellion, or one more fit to be entrusted with any matter in which the honour of the Crown is concerned, could not well be found, I believe, in the service of Her Majesty. But, Sir, what seems to me to have been the case is this—that the general instruction given by Earl Cathcart was intended to distinguish those who had aided in rebellion from those who had not, but that when the commissioners of indemnity endeavoured to carry that instruction into effect, they found it was impossible to make such a distinction without an inquiry, which would in fact be a new trial of all the persons who were charged with taking part in the rebellion. Now that is in fact the consideration which governs this whole case. The right hon. Gentleman has spoken of what was done under the Indemnity Acts of 1839 and 1841, and he says it is not true, as was alleged by Mr. Hinckes, in the Assembly of Canada, that certain persons who received indemnity were engaged in the rebellion. [Mr. GLADSTONE: I never said so.] I understood the right hon. Gentleman to say that he had been so informed by Mr. Ingersoll, who was one of the commissioners. [Mr. GLADSTONE: The noble Lord is not stating what I said. I said by Mr. Cayley.] Well, then, Mr. Cayley was the informant of the right hon. Gentleman. But I understood the right hon. Gentleman to say—and in that I cannot be mistaken—that he went over three or four of these cases mentioned by Mr. Hinckes in the Assembly, and he found it was not true that they were the cases of persons guilty of rebellion—[Mr. GLADSTONE: No, no!]—because in more than one case these persons had been tried and acquitted. I understood the right hon. Gentleman to say so, especially with regard to Mr. Hagerman.

MR. GLADSTONE wished to observe that the noble Lord spoke of what he had said, as if he (Mr. Gladstone) had made a statement from original or direct knowledge on the subject. With regard to Mr. Hagerman, he had drawn his information from a letter which the noble Lord had in his hand. He (Mr. Gladstone) had said that, from the fullest and latest evidence before him, there was no reason to believe that any person who was a rebel had been compensated.

LORD J. RUSSELL proceeded: I certainly understood the right hon. Gentleman to say that with respect to that part of the case he had received information this morning which convinced him there was an entire mistake with respect to some of these persons—that certainly with respect to Mr. Hagerman he had not been convicted of rebellion, but had been acquitted. Now, the point to which I wish to bring this question is not whether Mr. Hinckes was right or wrong, but to show the House the difficulty of making the distinction upon which the right hon. Gentleman insists. Mr. Hinckes said openly in the House of Assembly that there were persons who had been guilty of rebellion who had received compensation under the Upper Canada Act; that he found it on record in his own office, and in the offices of the Government; and he instanced Mr. Hagerman, who he said was commissary-general of the rebels. He also mentioned other persons who had been convicted. Now, what was the real case with regard to Mr. Hagerman? If I understand the right hon. Gentleman now, he admits that Mr. Hinckes was totally mistaken—that Mr. Hagerman was a person who was not convicted, but who was acquitted. But then, I say, Mr. Hinckes was not a person to make that assertion in the Assembly, whether it was correct or not correct, without going at least upon public fame, and upon a general belief that Mr. Hagerman had been commissary-general of the rebels, and that another person whom he mentions had been a lieutenant-general of the rebels. I say, then, cannot you apply the same test with respect to the persons who are now to claim compensation? If these persons come forward and claim compensation, the right hon. Gentleman says, "They are rebels—or they aided in the rebellion." Well, they deny the charge. They say it is not true—that public report may have accused them, and that every one hitherto may have believed the charge; but they deny it, and they ask for the proof. What would the right hon. Gentleman do then? Would he go upon public fame, stamping these persons as rebels, and refusing them a trial? Or, if he would not do that, would he have a trial for high treason in 1849 with respect to transactions which took place in 1837? Would the right hon. Gentleman say, "I ask for *primâ facie* proof that these men are not rebels?" Is it to be borne that men who declare themselves to have been loyal, and who say, perhaps, that they got out of the way at the time of the rebellion, from fear that the rebels would destroy their property, or that from intimidation they did not appear to join the King's forces, are to be obliged now, in 1849, to go into a regular proof that they were loyal men in 1837, and that no act of theirs can be construed into an act of rebellion? Because that is what the right hon. Gentleman asks. He does not even give to these parties the chance which a person accused of high treason before a court of law has; for such person on being placed at the bar says he is not guilty, and is not bound to say a word more. Take the case of any one brought to trial for rebellion in Ireland last year; if the judge had said to him, "You must bring forward *primâ facie* proof that you were not in that insurrection," the accused would have replied with indignation, and the whole audience would have echoed his indignant expressions, "I am not bound to prove that I am not guilty; it is for the prosecution to bring forward their witnesses and proof, and until proof is given against me, I am an innocent man." Such would be the right of a man, as I before observed, who, in 1840 or 1841, it was proposed should receive compensation for rebellion losses in 1837 and 1838; but only imagine all the present claimants for rebellion losses being brought to the test he had adverted to eleven or twelve years after the occurrence had taken place, when it might be very possible that their nearest relations, that all those with whom they consorted, and who could have proved that they were not rebels, were dead or gone, or removed to some other country, so that they were deprived of means of giving that evidence which the right hon. Gentleman requires of their innocence. So much, then, with respect to the Acts which were passed with respect to Upper Canada, and so much with respect to the correspondence which had taken place in 1845. After that time there appeared to have been a report of the commission, in which the commissioners stated numerous claims with respect to this subject, but observed that those claims might be reduced, and that they thought the sum of 100,000*l.* would compensate all the real losses which had taken place. It appears to have been, so far as we can tell, the intention of the Government of that day to proceed upon those statements, and it does not appear that anything else was to have been the test with respect to loyalty than that which was suggested in the statement of Mr. Daly, the secretary of the Council—namely, that those were to be considered as rebels, or as having aided and abetted in rebellion, who had been so found guilty by courts of law. After this, the Ministry who had then the general government of affairs in Canada became weakened, and made an attempt to form an association or coalition with the heads of the French Canadians. The negotiation to that end did not result in any coalition of the kind, and ultimately the Earl of Elgin consented to a dissolution with a view to strengthen the Government. The result was not successful, for the great majority of those sent to the Assembly were hostile to the then Administration. On the meeting of the Assembly, when it was found that the great majority were against the Ministers, the latter resigned, and, according to the doctrine of responsible government, the present Ministry succeeded to their places. Now, it was obvious that this matter relating to compensation for rebellion losses was the question which would be pressed on the Ministry. The former Ministry, at the suggestion of the Secretary of State, had proposed that there should be an indemnity for losses in Lower Canada as well as in Upper Canada. With respect to the making of a classification of claims under the previous commission of inquiry, the Secretary of the Government had declared that the only line to be taken was to separate those who had been found guilty in courts of law from those who had not been found guilty. Accordingly the same principles—first of granting fair indemnity for the rebellion losses in Lower Canada, and, next, of making a general distinction between those who had been and those who had not been found guilty, were adopted by the existing Ministry in Canada, and a measure was prepared with the view of carrying out those principles. The right hon. Gentleman, who, I must say, urges most ingenious arguments with respect to every allegation made on behalf of this Bill, says that those who had been found guilty by courts-martial could not be said to have been legally convicted; but, as far as my recollection of the circumstances of the time serves, I believe that Sir J. Colborne proclaimed martial law in Canada, and when martial law is proclaimed the courts-martial established do not require the previous authority of the Crown, but are formed under the common law. Therefore those proceedings and sentences would be lawful under the authority of Sir J. Colborne's proclamation. If such were the case, the difficulty to which the right hon. Gentleman has referred could not arise; but I must observe that, with a view to obviate objections, the existing Ministry in Canada did establish more restrictions and conditions in the Act respecting Lower Canadian losses than were imposed with regard to Upper Canada. The preamble of the Act states that—

> "It is necessary and just that particulars of such losses not yet satisfied shall form the subject of more minute inquiry under legislative authority, and that the same, so far only as they may have arisen from the total or partial, unjust or wanton destruction of the dwellings, buildings, property, and effects of the said inhabitants, and from the seizure, taking, or carrying away their property and effects, should be paid and satisfied; provided that none of the persons who have been convicted of high treason alleged to have been committed in that part of the province formerly called Lower Canada, since the 1st day of November, 1837, or who, having been charged with high treason or other offences of a treasonable nature, and having been committed to the custody of the sheriff in the gaol of Montreal, submitted themselves to the will and pleasure of Her Majesty, and were thereupon transported to Her Majesty's island of Bermuda, shall be entitled to any indemnity for losses sustained during or after the said rebellion, or in consequence thereof."

With respect to the first part of the preamble, the right hon. Gentleman says, there might have been a destruction of property which was just, and that compensation for such a loss would, under the words, be shut out; but that only showed that the terms, with respect to compensation, were more restricted and confined in their limits, and might exclude, as I admit to the right hon. Gentleman, some claims which would perfectly justify compensation. With respect to the second part of the preamble, it is evident from the words, that the allegation that persons sent to Bermuda could claim indemnity on the ground of having been taken away from their families and suffered loss thereby, could not be supported, and that any such claim must be refused under the Act. The Act goes on to say, that certain commissioners should have 100,000*l*. in debentures for the purpose of satisfying those just claims, but they are to be bound by the preamble of the Act. Now, the question arises whether that preamble, or whether the clauses of the Bill, should have gone still further in limitation or description; and whether any of the amendments proposed in the Committee of the whole House, or afterwards during the course of the Bill, should have been adopted by the legislature of Canada. With respect to that question, I must say, that however it might be a question in the Canadian Assembly, I do not, at least for myself, feel bound to say whether every one of those amendments ought to have been rejected by the Canadian Assembly, or not. It is no part of my duty to say, that the majority were perfectly right in every instance. What I have to look at is whether the Act when passed infringes on the honour of the Crown, or does that which is unjust to the empire, or to the loyal men of that province. Whether Mr. Wilson's amendment should have been adopted or not, is not the question I am disposed to argue, any further than to say that the onus was placed on all those who proposed amendments, to show that there could be any test by which rebels, or persons aiding rebels, could be disqualified from compensation, unless it was some definite formal proceeding, such as the sentence of a court of law, or the sentence of a court-martial, or the fact of transportation to Bermuda. All these tests are clear and definite, and the Ministry in Canada had no hesitation in adopting them. With respect to other tests, if made equally clear and definite, there is no proof before the House that they would not also have adopted them. They always declared that it was their wish not to compensate rebels for losses in consequence of the rebellion; but the

House must see, as regards the right hon. Gentleman's proposal, that when you come to apply some one test, you are obliged to say, then, that you will not, in 1849, investigate the conduct of any man twelve years ago, or bring up against him, after such lapse of time, perhaps some act done in the midst of terror and alarm, for the purpose of marking him out as not a loyal man in 1837, although for the last ten years his conduct may have been perfectly loyal and peaceable. I say you had better reject the Indemnity Bill altogether than attempt such an investigation as this; for what can it do but establish in Canada what has been properly called a Star Chamber inquiry, and divide classes, villages, and families, and mark out and brand a certain set of men, after long inquiry, as rebels, distinguishing certain others as having the sole quality of loyalty? If we were to attempt some hundreds of trials for high treason, and were in this way to investigate each man's misconduct, the peace of the province would be utterly destroyed, and all chance of these classes living together in harmony—all chance of their being considered, as I have no doubt they are, loyal subjects of Her Majesty, would be precluded by such an inquiry. What is the general fact, as far as I believe it, and as far as the evidence of the time established it, with regard to the rebellion in Canada? It was an insurrection fomented by some very artful men, among some very ignorant part of the population. The great mass of the population were averse to that insurrection. The great mass of the French Canadians, led very generally by their religious teachers, abhorred the horrors of civil war and rebellion. At the same time there was a great popular spirit of discontent: the rebels for a few days obtained possession of a part of the country; and many persons, acting under terror, did, though unwilling to participate in rebellion, certainly appear to give a countenance to it—a countenance which they had no reason to give from disposition, but which was compelled by that alarm which is always excited when armed bodies take possession of peaceable districts and raise the standard of rebellion. I say, believing those persons in their hearts to be loyal, believing that if they did not actively resist they nevertheless entirely disapproved of these rebellious proceedings, I would not now attempt an investigation into their conduct, and make them prove a *primâ facie* case, not only that they were not actually in arms, not only that they were not convicted of treason, but that they were in no way aiding and abetting the rebellion which then took place. I am obliged to presume, then, seeing the conduct which the Earl of Elgin has pursued, and bearing in mind the declarations of the Ministry in Canada, that, however well intended these amendments may have been, there were objections to them which were either valid, or which appeared to be valid, to the majority of the Canadian Assembly. The right hon. Gentleman says, with respect to one amendment which he favours, that of Mr. Wilson, that there was a division on it of 28 to 44, being not so great a majority in favour of the Ministerial plan as appeared on other questions; and I think that there was a majority of the representatives of Upper Canada in favour of that amendment. Without disputing the accuracy of the right hon. Gentleman's statement on the subject, I would observe, that after that amendment was negatived, the original question was put, when there appeared a greater majority in favour of it than that by which the amendment had been negatived; and when the Bill came to the third reading, instead of those persons who voted for the amendment saying that in consequence of its rejection the Bill was so objectionable in compensating rebels that they would vote against it, there was, on the contrary, a great majority in its favour, the division being 47 against 18 for the Bill as a whole, though none of the amendments referred to had been inserted in it. A majority of English descent voted in favour of the Bill, and it was only a minority of English descent that voted against it. Some time after the Bill passed the Assembly, I believe the Speaker, who was one of the Legislative Council, made these observations:—

> "It had been maintained, that according to the instructions contained in the Governor General's commission, he ought to have reserved the Bill as one of an extraordinary and unusual character. No doubt such instructions were contained in his commission; but how could the Bill be considered one of either an extraordinary or an unusual character? Had there not been Bills of a similar character passed by the Parliament of Canada? Had not one been passed for Upper Canada, of which the Lower Canada Bill was a true transcript, and to which no opposition was made? And the 40,000*l*. voted for the payment of the losses in Upper Canada, in 1845, was taken from funds which had previously belonged to the provincial funds, and yet it was never suggested that the veto of the Sovereign should be put on that Bill. Was it, therefore, consistent, be-

cause another Administration had passed a Bill for the very same purpose as the one passed for Upper Canada, and which had not been opposed, for hon. Gentlemen to come forward and call it a Bill of an extraordinary character, and that it ought to have been reserved for the pleasure of Her Majesty? It was unfair to proceed with such an opposition; and he was afraid, in spite of all that hon. Gentlemen might say, that the opposition to the measure arose from the fact, not that they were going to pay rebels, but because those who were to be paid were French Canadians. ["No, no!"] He maintained that the Bill was only to pay the just losses, and it was based precisely on the same principle as the Bills which had passed the Parliament for the payment of the just losses sustained by persons in Upper Canada. The principle and the circumstances of the two measures were exactly the same; and the Ministry had passed their word of honour that no rebels would be paid, and had even consented to some alteration in the Bill for the purpose of doing away with the belief that rebels were to be paid. In spite of all this, hon. Gentlemen still maintained that it was their intention to pay rebels; but he would again assure them, on his own responsibility as a member of the Administration, that rebels were not to be paid."

Such was the explicit declaration of one whom I believe to be a gentleman of honour and character, and who belongs to the Ministry in Canada, and who uttered a sentiment to which he pledged the Ministry as well as his own honour. This, be it observed, was after the Bill passed, and after all those amendments to which the right hon. Gentleman had referred had been rejected. Again, the Earl of Elgin, being informed that some Bills required the assent of the Government, proceeded to the House of Assembly, and then gave his assent, as Governor General, to this Bill; and, in answer to an address afterwards, the Earl of Elgin stated his views in the following terms:—

"Even if the measure of indemnity to which you refer had been more objectionable than it is, it would still have been the duty and interest of all lovers of true freedom and of order, which is amongst its most valuable fruits, to protest against the outrageous assaults on the fundamental principles of constitutional government for which it has been made the pretext. But I am bound to say, in justice to the large majority of your representatives, by whom this Bill was sanctioned, that it is my firm belief"—

[He desired it to be observed that the Earl of Elgin was at the time in daily communication with the advisers, promoters, and authors of this measure,]

"—that they did not intend in passing it to countenance rebellion, or to compensate the losses of persons guilty of the heinous crime of treason; but that their purpose was to make provision for the payment of claims arising from the wanton and unnecessary destruction of property, which is the cruel, though perhaps inevitable accompaniment of civil warfare—claims which had been already recognised by the deliberate Acts of preceding Parliaments and Governments. Under this conviction I assented to the Bill, and in this spirit only could I ever consent, as the head of the Executive Government, to give effect to it."

This is the public declaration of the Earl of Elgin. The right hon. Gentleman has pronounced a just panegyric on Lord Metcalfe. Let us do all honour to the dead. The memory of Lord Metcalfe deserves to be respected; but let us not be unjust to the living; and I will say that, when the Earl of Elgin pronounces those sentiments, he does not mean to leave himself an opening for evasion—he means to act in the spirit of his declaration, and to do all in his power to carry into effect the views he expressed that it was not intended to compensate the losses of persons guilty of the heinous crime of rebellion. For my part, speaking in the name of the Government, I have perfect confidence in the integrity and justice of the Earl of Elgin; and I believe that the words he has pronounced he will carry into effect by the acts he will sanction. Of course, with respect to the mode of carrying out this Act, much will depend upon the instructions to be given, and upon the commissioners to be named. It is the Earl of Elgin's own wish, I believe, that before any formal act is done here, the instructions which he proposes to give to the commissioners should reach this country. We have not yet received the Act in such a shape that the Queen in Council could be advised to give any decision upon it, either to carry it into operation or otherwise; but I will tell the right hon. Gentleman that it is our belief—and that belief we mean immediately to communicate to the Earl of Elgin—that it will be our duty to leave this Act to its operation—that we shall do so in the confidence that those instructions will be framed in the spirit of the declarations which he himself has made—and that therefore we do not doubt that when these instructions arrive they will be such as to enable us to advise the Queen to give Her entire approbation to the Earl of Elgin's proceeding. I do not, therefore, in any way mean to disguise the course that we intend to pursue. I cannot believe such a thing—though it is within the verge of possibility—as that those instructions should be quite contrary to the statements which the Earl of Elgin has made, and the assurances which he has given; but concluding, according not only to all probability, but to what I should say is nearly a moral certainty—we shall be in possession before a very long time of the Act in a formal shape, and of the instructions which will be given in pursuance of it. Under those instructions I have no doubt that the directions will be such as to compensate losses caused wantonly and unjustly during the course of the rebellion. That any instructions can be so framed, as to prevent any person who may have in any way countenanced this rebellion from receiving compensation, without going to the danger and difficulty, and I may say the torture of new trials for high treason, is what I confess I do not believe; I believe that all that can be done—all that regard for the honour of this country—all that respect for justice—all that sound judgment can require, will be done by the Earl of Elgin in his capacity of Governor General. I have no reason, from any partiality to the Earl of Elgin, to take up his cause especially, as in any way involved in what his conduct might be. We found the Earl of Elgin appointed by Lord Stanley to the Government of Jamaica; the despatches, some of them produced in this House, others that came to our official knowledge with regard to his conduct in Jamaica, struck us as showing remarkable ability; as showing him a man who, placed in a high and responsible situation, I think his first public office, at once seized upon the main points which required his attention as Governor, and directed himself to the administration of that colony in a manner to promote its welfare, and to serve the interests of the Crown. Being struck with these marks of ability, Earl Grey advised Her Majesty to appoint him to the still more difficult situation of Governor General of Canada. Since he has been Governor General of Canada, I may say that everything he has done has confirmed the opinion that he was a person fit to be entrusted with great power to exercise great responsibility. The right hon. Gentleman tells me that the province of Canada is not represented by the votes of its Legislative Assembly. [Mr. GLADSTONE: I did not say a word of it.] The right hon. Gentleman argued for some time that there were petitions and addresses showing that, in fact, there was a very strong opinion on the other side, and that that might be the prevailing opinion in Canada. It has occurred to me to argue in this House, when parties have asked for a dissolution of Parliament because this House carried repeal of the corn laws, that this House, chosen by the people of this country, was competent to perform any act of legislation, and that you had no right to call upon the Crown to look for any other representatives than those whom the law pointed out as such. Still, it was within the power of the Governor General of Canada, if he had thought that the Assembly did not represent the people of Canada—that opinion was the other way—that this Rebellion Losses Bill had excited so much indignation and disgust that a different Assembly would be chosen—it was perfectly in his power to refuse his confidence to his present Ministers, to change his Ministers, and to dissolve the Assembly. Why, Sir, what reason had he to do so? In the case to which I have just alluded, we had unmistakeable symptoms with regard to many Members of this House, that their constituents did not agree with them in the view they took of the measure then under consideration. But with regard to Canada, I have examined—I have asked, whether any Member for Upper Canada has been called upon by his constituents to resign—whether his conduct has been disapproved by large numbers of them, and he has been told that he has misrepresented them on account of his vote upon this question, and I find nothing of the kind. At least, if there may have been some single instance, I find, with regard to the great body who have voted for this Bill, that they seem to be as fully in possession of the confidence of their constituents as at any previous time. The opinion of the Earl of Elgin is, that if he were to dissolve the Assembly he should have another returned with the same majority, and representing the same sentiments; but he would not be in the same position. If the Earl of Elgin were to make that mistake, and to change his Ministry, and then to find that the Assembly adhered to his present administration, he would have caused vast ill-feeling and dissension, all the heats of a contested election, and, in the end, have to take back the Ministry he had rejected for the sake of this measure. At all events, the Earl of Elgin, I think, was a sufficient judge of these matters, and he has declared that that is not his intention, that he has made up his mind not to dissolve the present Assembly: but, at the same time, the Earl of Elgin is willing to encounter the disapprobation of Her Majesty if we should think fit to give advice to that effect, and to submit in that case to the penalties which would follow such disapprobation. I have seen it written by a person indeed who ought to be some authority, that we might disallow this Act, and yet give our full countenance and support to the Earl of Elgin. The Earl of Elgin, I believe, would consider such a course out of the question. He would say that if this Act were disallowed, he was unfit for his situation of Governor General of Canada. But I could not, as things at present stand, so far as I am at present informed, advise the Crown to proceed to the disallowance of this Act. I feel—I feel very deeply, the excitement which has been caused by it. I believe that the opponents to this Bill founded their objections on feelings and arguments which no doubt appeared to them valid, but that they have carried their opposition to a point that has raised an excitement in Canada, which they themselves see with great regret. I observe that all the best of them speak in terms of indignation of the outrages committed, the insults offered to the Governor General. I trust, therefore, that however much excitement may have been caused by this Act, these Gentlemen, whom I believe to be men of loyal sentiments, some of whom I know were advisers of former Governors General, and comported themselves as men who had the interests of their country at heart, will, when this present excitement shall be over, endeavour so to avert the evil consequences that may flow from it as to prevent any lasting and permanent discord arising in Canada from this source. The right hon. Gentleman has adverted to the course he thinks it would be necessary to take if it were a question between contending the colony and sacrificing the honour of the Crown. I am happy to think that in the present instance no such choice is required. I believe we shall consult at once the honour of the Crown and the interests of Canada by supporting the Earl of Elgin in the course that he has taken. I trust that the different parties in Canada, whose dissensions are not of yesterday, who have carried on these bitter contests for many years, will feel that whatever imperial interests may be involved in this question, it is still more for the interest of Canada that she should be allowed to pursue her course of destined prosperity, undisturbed by the effects upon commerce, upon agriculture, upon industry, of these violent agitations. Such was the lesson which my lamented Friend, Lord Sydenham, endeavoured to teach in all the provinces of North America. He always said—"Whatever your party differences may be, you are, by pushing those differences to an extreme, risking the loss of that great social prosperity which is your lot if you can but carry on those differences within the bounds of constitutional conflict and legal moderation." I believe now, if such is the course of the opposition party in Canada, if they do not attempt to transfer to this House the differences which have already taken place in Canada, that Canada—this question over—is destined to see her prosperity gradually recovered, and, once recovered, continually augmented. I believe her situation is such, that the inhabitants of Canada need not envy any other country any institutions it may enjoy. I believe, under the British sceptre, they may enjoy as much freedom and as much happiness as can be the lot of any people on the face of the earth. Unhappily, the difference of race is one main element of these dissensions. It may be that hereafter a more general federal union, such as the right hon. Gentleman has alluded to, may be the means, by admitting other parties, of diffusing over a greater space these dissensions, and thereby weakening their force. But however that may be, I feel upon this occasion, that, anxious that this Bill should be carried out in the spirit avowed by the Earl of Elgin and by one of his chief advisers—anxious that the Earl of Elgin should be allowed the full liberty to act according to his own views of what is necessary and advantageous to Canada —I should be weakening the authority of this country and of the Imperial Parliament over Canada, and not assisting but impairing the honour of the Crown, if I were, by any distrust, by any direct mark of want of confidence, or, what were still worse, by half-expressed suspicions, to deprive the Earl of Elgin of that support to which I think he is fairly entitled. I must leave the right hon. Gentleman to pursue the course he thinks fit. I should be sorry, indeed, if he should think it necessary by a more formal Motion to test who those are in this House who think that this is a case in which, if you abide by responsible government, you are bound to allow the Act of the Canadian legislature to come into operation, and those who would fetter and restrain the liberty of the province by disallowing an Act to which, as I think, although there may be much criticism made upon it, there is no valid and sound objection. Believing and trusting that a straightforward and direct course is more likely to pacify than any tampering with the difficulty, I have declared at once the course that the Government means to pursue.

Mr. GLADSTONE, in explanation, mentioned that since he spoke, Mr. Hinckes had sent him a note, stating that in two of the five cases he had referred to, those of Malcolm and Hall, the parties might not have been tried, but they left the province and were outlawed. Malcolm was pardoned by Lord Sydenham, and Hall by Lord Metcalfe. Mr. Hinckes went on to say, that he did not mention the name of Tooke, but that Cooke was sentenced to be hanged for high treason, and pardoned—one of those who received the payment which had been mentioned. As to the fourth, Hagerman, it was alleged by Mr. Ingersoll that he was not convicted. Mr. Hinckes stated in his note that he thought Hagerman was convicted, but at all events he defended a civil action on the ground of the goods in question having been received by him as commissary-general of the rebels. With respect to the fifth case, that of Dr. Duncombe, it was explained in Canada; it was an error.

Mr. HERRIES said, it would be unpardonable in him to trespass for any great length upon the House after what had been already stated in the debate by his right hon. Friend the Member for Oxford University, and by the noble Lord opposite; for the question had now been brought to a point at which some judgment might be formed as to the course which it would be most wise to pursue. His right hon. Friend had detailed all the circumstances of the case with so much accuracy and with such fidelity that it would be absurd in any one endeavouring to follow him to do otherwise than refer to his elaborate and excellent speech. But the question which his right hon. Friend had raised had been met by the noble Lord with anything but a logical or close answer. The noble Lord had put forward a great number of very general, and some of them very captivating, phrases, but had not, in the whole of his speech, brought the question to that point upon which the House must be satisfied before they would allow this matter to rest in the position in which it now stood. The noble Lord had in one respect, indeed, almost said enough to justify him (Mr. Herries) in closing at once with his assurances of the sentiments and disposition of the Government, and in leaving the question without further opposition or discussion. The noble Lord had nearly come up to the object of the argument of his right hon. Friend, but because he had not quite reached the point which alone ought to be satisfactory to the House, therefore he (Mr. Herries) was obliged to continue this debate. The noble Lord had taken great pains to establish the fact that it was not the intention of those who had prosecuted this measure in Canada, or of the advisers of the Crown in Canada, or of the Governor General, to pay, under the provisions of this Bill, indemnification money to rebels. Upon that point he held that the opinions of his right hon. Friend had been fully met by the noble Lord; for he (Mr. Herries) understood him to have declared that, in his judgment, it would be a great departure from propriety and justice that rebels should be indemnified for losses sustained in a rebellion created by themselves, and indemnified out of the money of loyal subjects. No doubt, if the noble Lord would carry that principle into execution, and would adopt such measures for the purpose as would remove all fear and doubt upon the subject not only here at home, but from the minds of the loyal inhabitants of Canada, which had been so cruelly disturbed by apprehensions to the contrary, he would at once silence all discussion in this country, and allay all the animosities and heartburnings in the province. But the noble Lord had stopped short of that; and it was to be feared that the noble Lord was not prepared to go the length of declaring that the Government was determined that the Act should not be carried into effect in the sense in which those who were so deeply interested in the matter in Canada believed it was to be interpreted, and believed also that without some special interposition of the Government in this country, or of the legislature in Canada, it must invariably, consistently with the terms and provisions of the Act itself, be carried into execution. That was the point to which he wished to call the attention of Her Majesty's Government. The whole of the latter part of the speech of the noble Lord was calculated to convey a different opinion. It went to impress in the strongest manner upon the minds of Members, the conviction that those persons were wrong who entertained the belief that under this Bill the persons who were themselves concerned in the rebellion were to receive indemnification for their losses. Yet, looking at the provisions of the Bill, it seemed to follow, as of the strictest necessity, that all persons having sustained losses during the rebellion under the circumstances therein described, who could not be included within the category of exceptions specified in the preamble to the Bill—that is to say, "who had neither been convicted of treason nor committed to jail, or transported after having submitted themselves to justice"—would by virtue of the Act be entitled to compensation, whether engaged in the rebellion or not. Upon this very material point—rendered especially so by the opinions expressed by the noble Lord—he would take the liberty of addressing himself more particularly to the Attorney General, as the principal law officer of the Crown, who had no doubt carefully perused the Act and the papers connected with it, and he would appeal to that hon. and learned Gentleman to declare, whether if the Act were left in its present shape to pass into execution—and he doubted the authority of the Crown to modify, although it might altogether refuse its assent to the Act—any power would exist to put any other construction upon the principle by which the distribution of the indemnity money was to be governed. The noble Lord said, that further communications from the Earl of Elgin might be expected, and some account of the instructions he intended to give to the commissioners who were to carry the Act into effect. He (Mr. Herries) believed that, under the Act, the Governor General had no such instructions to give; and that was the point to which he desired to direct the attention of the hon. and learned Attorney General, for he thought that the Governor General could not, by any instructions, vary the strict directions of the Act. It appeared, no doubt, to be the desire of the noble Lord at the head of the Government that the instructions of the Earl of Elgin should be of a kind to prevent the application of the Act in that sense in which those who had been so much exasperated in Canada did believe that it must be carried into effect. This was a point of the utmost importance. There had been an attempt to answer some few details in the speech of his right hon. Friend, which were comparatively insignificant, and into these he would not go. But the main question was one of the gravest and most difficult which, perhaps, the House had ever been called upon to decide. It was nothing more nor less than this—whether they would permit, under an Act concerning the intentions of which there existed this difference of opinion, a measure to be carried into effect, which, if strictly administered, would, he was confident, strike at the very foundations of all good government. It was neither more nor less than this—whether they would deliberately approve of a principle which was calculated to sever all the bonds of political allegiance, and to stifle every feeling of loyalty and attachment to Government in any community? It was this—that those persons who had been engaged in a rebellion should at the end of a certain period—it mattered not how long—notwithstanding their participation in it, receive indemnification at the hands of those who had been engaged in suppressing that rebellion. If they suffered this, how could they expect to allay the animosities and heartburnings which had prevailed? Did they expect they were so to be stopped? Did they expect that loyal men who had made enormous sacrifices and exertions to uphold the power of the Crown, would have their loyalty confirmed by seeing others rewarded whose rebellion and treachery had only been successfully opposed and frustrated by those exertions and sacrifices? So far from it, they would be laying the foundation for perpetual and enduring differences. The noble Lord would permit him to call his attention to the absurdity—he used the word in its logical relation, and of course not personally to the noble Lord—to the absurdity of his argument on this subject. The noble Lord said, "We do not intend that rebels shall be paid." That was one of the noble Lord's propositions, and he seemed perfectly conclusive upon it. But he said, at the same time, that it would be monstrous to attempt to investigate or try who was and who was not a rebel in 1837 and 1838. How, then, without any examination, would the noble Lord avoid payment to rebels? There was now on the table of the House a long list of claimants for indemnification, and among these appeared the names of a great number of persons notoriously concerned in the rebellion; many of them avowedly upon the very face of the document having been in prison for the share which they took in it. Were the claims of these persons to be admitted? According to the noble Lord they were not; but according to the plain wording of the Act they could not be rejected, if the facts alleged were substantiated, and the parties did not come within the exceptions of the statute. But supposing the view taken by the noble Lord to be correct, a very little consideration would satisfy the House that to carry into effect the avowed intention of the Government, some inquiry must be entered upon, and it must be decided by investigation who was and who was not a rebel in 1837 and 1838. An assembly like that must not be told that it was out of human power to make these discoveries and discriminations. It was clear, if it was to be decided that certain persons were not to be admitted, such investigations must be entered upon, and such distinctions made. Suppose a man had been in prison, but not convicted. According to his (Mr. Herries') interpretation of the Act, that man would have a title to indemnification just as much as the most loyal subject. In what way, then, did the Government intend to meet that difficulty? He was far from being disposed to cast blame upon the Earl of Elgin, or to enter into any of those animosities, divisions, and heats, which had prevailed in Canada, or to augment them by any word from him. But this much he would say, notwithstanding some undue imputations which had been cast abroad, that there had prevailed on that (the Opposition) side of the House since the first time they had been alarmed by information received from Canada, a most cautious forbearance from any expression of opinion, one way or the other, which might have been construed into a disposition to promote any of those party feelings. But now he was prepared to state his belief that the great blame of all that had occurred in Canada rested not upon the Earl of Elgin, but upon the shoulders of Her Majesty's Government. He looked to the dates. He found that early in February the resolutions upon which this Bill was founded had been introduced in the Canadian legislature. In the course of the discussions which took place on those resolutions, motions had been made and divisions had taken place by which the points now at issue had been fairly and fully mooted, and contested between the opposite parties. These had clearly exhibited the grounds and the extent of the deplorable irritation which the measure had given rise to. About the 19th or 20th of March information of these proceedings was received in this country. He asked, then, what was the duty of Her Majesty's Government upon the receipt of that first intelligence of the introduction of this measure, of the effect it had produced, and of the consequences that were likely to ensue? What was the course a considerate and prudent Government would have adopted under these circumstances? The noble Lord opposite prided himself, and the noble Earl at the head of the Colonial Government prided himself, in an especial manner, upon having used no interference; and the noble Lord dwelt upon the merits of the Earl of Elgin in carrying out, without advice or direction, and entirely uncontrolled, this measure of which information had been received by the Government here in March. It appeared to him (Mr. Herries), that the first duty of a Government, upon receiving such information as that—information of a measure teeming with danger to the peace of the province of Canada—would have been to give distinct advice and recommendations to the noble Earl entrusted with the government of that province. If the Government had been of opinion that it was wise to persevere in a scheme which manifestly on the face of it led to the compensation of rebels—if they had been of opinion that there was no mischief in that determination, they would have been right in giving their advice to the Earl of Elgin to continue in the course which had been adopted. But if they held the other opinion—which from the speech of the noble Lord, it was now known they did — that such a course was not wise, but that it was advisable to do exactly the contrary, then was it not the duty of the Government forthwith to have warned the Earl of Elgin so to modify the Bill, or through his council to consent to such modification of that Bill, as to remove all possible misconstruction and objections on the part of those who were opposed to it? If the most influential of those who had opposed the measure had received the assurance that rebels were not to receive compensation, they would have been perfectly satisfied. No mistake was so great as to represent those persons as opposed to compensation. Compensation and indemnity they were willing to grant cheerfully, and to pay their share of the burden. Their objection was to that which it now appeared the noble Lord himself objected to—namely, that this Bill should be made applicable to the cases of those against whom they had stood opposed in arms at the time of the rebellion. Those persons were entitled to have received such assurances. Could the Governor General, or could the Government in this country, by issuing any instructions or making any arrangement through the commissioners, now alter the provisions of this Bill so as to make it applicable only to loyal persons, and those who had not been engaged in the rebellion? The disposition of the Government was evidently to effect some such modification in the operation of the Act, and thereby to obviate those consequences which appeared to be inevitable if the plain and literal construction of its provisions were adhered to. Such being the contradiction between these enactments of the Colonial Assembly, and the views and intentions of the noble Lord, he (Mr. Herries) was at a loss to see how Her Majesty's Government could escape from the dilemma in which they were placed. Did they stand by the existing provisions of the Bill, and express themselves satisfied to abide by it? No; they professed to rely upon the further steps to be taken by Lord Elgin, whereby the Act might be subjected to some material changes in its operation. Now, if the Government would say that such being their expectation they would take care to avert the obnoxious consequences of the measure by instructions to that effect addressed to the Colonial Government—he said, if they would come forward now and make such a declaration as that—they would allay the animosity which now prevailed in the provinces, and remove the doubt and anxiety which were felt at home. But no; what from the ill-advised conduct of the Canadian Government in introducing the Bill, and what from their obstinate refusal to give any satisfactory answer to the four or five questions which had been put to them on this point—a point, above all others, on which they ought to be explicit—this House and the country must still be in difficulty to understand the course the Government at home meant to pursue. It was true that when the Bill had passed, the authorities in the colony said they did not mean to apply the indemnity to the rebels. The speech of M. Caron, the president of the Legislative Council, when the Bill had passed, distinctly declared that his colleagues were opposed to the thought of remunerating rebels. But that was too late. During the progress of the Bill they obstinately refused to give any satisfaction, or to offer such a definition of the word rebels as would show the party opposed to the measure that the construction they put upon the preamble might be avoided. Adverting to the attempts which had been made to justify the Act upon the ground of precedent, he maintained that every argument used to show that it was conformable to former measures introduced by the Canadian Government, had failed; and his right hon. Friend the Member for the University of Oxford had already made that case too clear to require again to be exposed. Nothing could be more different than the provisions of this Bill from those of former Bills passed by the Legislature, either of Upper or of Lower Canada. The first which was passed by the Legislature of Lower Canada, was distinctly confined in its operations to loyal subjects, the word loyal being sedulously employed to prevent any misconception on that point. The Bills passed in Upper Canada were formed in the same spirit; the same words were used by Lord Metcalfe, and the last document which emanated from him upon the subject; and it was not till after the Administration of Lord Metcalfe had terminated that the new phraseology was introduced which had thrown so much doubt upon the language of this Act. But, however, this was clear, that all satisfaction was steadily refused throughout the progress of the Bill in Canada; and when the Earl of Elgin expressed in such strong terms as had been quoted by the noble Lord his abhorrence of the supposition that rebels should be remunerated, the Bill had passed, and he did not point out in what way he proposed to avoid the consequences of its positive provisions. He, therefore, should put it to the Government, and he should expect an explicit answer from some Gentleman, how they would be able to avoid the provisions of this Bill? He (Mr. Herries) had had the opportunity of consulting some very eminent and experienced lawyers upon the construction of the Act; and he said, upon their authority, he was confident the Government could not avoid the operation of the Bill by instructions applied, either here or in Canada, and that they could not hope to escape the payment of the rebels by any administrative directions in Canada—the means on which the noble Lord at the head of the Government seemed to rely. The noble Lord, when he addressed the House, spoke, although doubtfully, as if it were still open to him to take steps to avoid those consequences to which it was now clear that the noble Lord himself was strongly opposed. He seemed also to entertain some expectation that the Canadian Legislature would amend the Act; but the better course in his (Mr. Herries') opinion, would be for some hon. Gentleman to make a distinct Motion on the subject in this House, unless the noble Lord consented to give them such an assurance as that which he had already asked him to give. [*A cry of* "Move, move!" *from the Opposition benches.*] In compliance with the call which was made upon him, he would therefore take it upon himself to make such a Motion; and he would conclude by submitting to the House an Address, praying Her Majesty would be graciously pleased to withhold her Royal assent to an Act passed by the Canadian Legislature, to provide indemnification for losses sustained by persons in Lower Canada, from the rebellion in 1837 and 1838, unless Her Majesty shall receive a satisfactory assurance that no person who has been engaged in aiding or abetting the rebellion should be permitted to participate in the indemnification. He fully relied on the sincerity of the declaration of the noble Lord, that it was neither the wish nor the intention of Her Majesty's Government that any of those parties should participate in this indemnification; but thereupon arose the question—in what manner could they now best proceed in order to prevent it? No course appeared to him to be so effectual as that which he was about to propose. If the execution of the Act were suspended by the interposition of the Crown, no material difficulty would arise in establishing distinctions under a more wise and explanatory statute, whereby indemnity would be withholden from rebels. Among the long list of claims already put forward under the provisions of this Act, there was a very great number concerning whom, upon the face of the documents now before the House, there was ample evidence that they ought to be excluded from all participation in it. For instance, to illustrate this, it appeared that some 800 persons, and upwards, were imprisoned for aiding in the rebellion. Sir John Colborne wrote home, stating that most of these were taken with arms in their hands. Those persons were imprisoned; all of them could be identified; and it so happened that of this number rather more than 400 appeared on the list of applicants under the commission, the whole of their names being detailed in the papers before the House. They were all parties to the rebellion, and some 70 or 80 of them were convicted by courts-martial. In his humble opinion, the noble Lord had removed the doubt suggested by his right hon. Friend as to the construction to be put upon these sentences by courts-martial; and he considered that they must be admitted to be legal convictions within the meaning of the Act. But setting aside these cases of actual conviction, and those also who, by the terms of the Act, were excluded as having submitted themselves to justice, or having been transported—some seven or eight individuals only—the remainder of these 800 rebels were included in the list. [Mr. HAWES: Of claimants?] Aye, not only of claimants, but of valid claimants, as he (Mr. Herries) asserted; and he would challenge the hon. Gentleman to show upon what possible ground within the terms of the Act, the indemnification could be refused to them. This point was rendered more clear and conclusive by the papers tardily produced, after repeated applications, by the noble Lord, showing the proceedings of the Canadian Assembly in Committee on the resolutions for the Bill. From these it appeared, that the special exceptions from all claim to indemnity were not contained in the original resolutions. They were introduced, after much discussion, as an Amendment, and they manifestly had the effect of positively extending, to all parties not specifically thereby excepted, the unrestricted benefits of the indemnity granted by the Act. He again had to express the hope that the noble Lord would give them the assurance that means would be taken to avoid the evil which he had pointed out, and which would naturally follow from the unmodified operations of the Act. If such should not be the case, he would move—

"To leave out from the word 'That' to the end of the Question, in order to add the words, 'an humble Address be presented to Her Majesty, humbly to pray that Her Majesty will be pleased to withhold the Royal Assent to an Act of the Canadian Legislature, intituled, "An Act to provide for the indemnification of persons in Lower Canada, whose property was destroyed during the rebellion in 1837 and 1838," without, and until, Her Majesty shall have received satisfactory assurance that no persons engaged in, or having aided or abetted, that unnatural rebellion, shall be admitted to participate in the indemnification so to be granted.' "

Mr. B. COCHRANE rose to second the Amendment, and, in doing so, he could not help calling attention to who were the parties forming the council of the Earl of Elgin. Looking back to the years 1837-38, he found that some of those parties holding high office had been accused of treason, or had been compelled to leave the country for fear of being charged with treason. [Mr. Roebuck: Hear, hear!] Among those, he found that Mr. Baldwin, the present Attorney General, and M. Lafontaine, the Solicitor General, had been compelled to leave the country. He asked the hon. and learned Member for Sheffield, who no doubt remembered the names of all those who had been brought into office to the prejudice of the loyal inhabitants, if that were not the case? No doubt he would remember the case of M. Girouard, as he believed it was a relation of the hon. and learned Gentleman who received a reward of 500*l*. for arresting him. Yet that person afterwards got up in the House of Assembly and praised M. Girouard, who was made a Commissioner of Crown Lands; and when Sir Alan M'Nab asked him whether he had not received 500*l*. for the arrest of that person, he replied, "Yes, he had; but he had changed his opinion with respect to him." He asked the hon. and learned Gentleman whether this party was not a relation of his? He paused for a reply. [Mr. Roebuck: I will answer you.] He had no doubt that the hon. and learned Gentleman would answer him with the same frankness with which he used to come to the House and defend the rebels of Canada. He would read to them the names of parties connected with the affair of 1838, who now held office: there were Mr. Baldwin, Attorney General; M. Lafontaine, Solicitor General; M. Valliere, Chief Justice of Montreal; and a brother of M. Papineau, a Commissioner of Crown Lands, and his son received an appointment of 1,000*l*. a year. Nay, more, one gentleman had a good appointment given to him, but when it reached Canada it was found that he had been hanged for treason! He was not advocating the cause of any particular party, but he must say that it was a matter of regret that the Government forgot their friends, and made the loyal inhabitants feel that the only result of respecting the authority of the Government was to be overlooked, while places were found for those men who had acted against the loyal inhabitants and the Imperial Government. He was sorry to have to state that the Earl of Elgin had, on three different occasions, advocated measures which he (Mr. Cochrane) considered most pernicious. The first of these measures was one totally uncalled for, and had been rejected by the Assembly—namely, to increase the number from 84 to 150. The next thing of which he complained was one equally uncalled for—the bringing back to Canada of that arch-traitor Mackenzie. He went back, and stated that he did so with the approval of the Governor, of the Crown, and of the Assembly; but such was the feeling in the colony against him, that he was compelled to leave it again. The third measure of which he complained was the one they were then discussing, and which had been brought in by the Earl of Elgin, under the advice of Mr. Baldwin and M. Lafontaine; and he (Mr. Cochrane) deeply regretted that he had done so. They could not expect to have peace and tranquillity in Canada, if they carried on their business in the way it had been—in fact, it could only lead to disaffection. The inhabitants looked to the mother country, and they could not expect quiet when they saw that rebellion was at a premium—that the only way to succeed in life was to be a rebel. They were, in fact, acting upon a policy which would not leave a loyal man in the country.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. ROEBUCK: Sir, I thought that we were about to discuss this question in that calm, considerate, and honourable style which usually distinguishes Gentlemen in this House. ["Order, order!"] Oh, I can't for an instant suppose that the hon. Gentleman who last addressed the House does not classify himself as one of the order to which I have alluded. I had hoped that the spirit in which we were to discuss this matter, was that which distinguishes honourable men acting as opponents in political life. I supposed, that when treating a subject of this sort, that if a man were to be accused, it would be for his own acts—that if I were to be accused, it would be for my own acts—the acts for which, and for which only, I am responsible — not for the acts of other persons living 3,000 miles away, and whom it is not my duty to blame, inasmuch as they are not now in existence. What have I to do with what my friends have done? Have I done aught that any man in this House—in this country—that any man anywhere, can dare to tax with being infamous, or even dishonourable? The hon. Gentleman the Member for Bridport has said that I came to the bar of this House to defend rebels. That is not a true statement. [" Oh, oh!" *and* " Chair, chair!"] I repeat it—it is not true. I came here on a petition to the House of Commons, signed with my name as the authorised agent of the House of Assembly of Lower Canada, and I appeared at the bar to argue, in the character of their agent, against a particular Bill then lying on the table of the House—a Bill which went to destroy the constitution of which that assembly formed a part. The persons I represented constituted the House of Assembly. I represented them; and I say that it is not true to state that the House of Assembly of Lower Canada were at all, or at any time, rebels. Suppose that there were some rebels. [" Hear, hear!"] What! Have we not been called on in this very assembly, a few days ago, to issue a writ in place of a person whom I don't wish to oppress now that he is a fallen man, but of whom I may surely say that he is a convicted rebel, and that he was turned out of the House. [Mr. B. COCHRANE: Expelled.] No, he was not expelled; but does that fact affect the character of the House of Commons? Grant that there was a Member guilty of high treason; would any person representing this House be considered as being the advocate of rebels, because Mr. S. O'Brien has been convicted of high treason? I appeared at that bar as the representative of the body I have named, and I will repeat now what I said then, that all their acts were not only legal, but that they were distinguished by peculiar prudence, care, and reverence for constitutional law. Yes, not an act of theirs was impeached on any ground which could touch them. Their demands were constitutional and prudent, and they were such that every one of them has since been conceded. They demanded of the House the power to regulate their own concerns, the power to determine on their own taxation, and the mode of appropriating their own money; and I repeat, that every demand which they made, with the exception of the constitution of the Legislative Assembly, was granted by the House of Commons. I challenge cavil or question of this statement. And now I have a right to ask of the hon. Gentleman opposite on what authority he chooses to say that I was the advocate of rebels? I have a character to maintain as well as he has. It is as dear to me as his can be to him. What is mine I made; I owe nothing to any man; and what I made I vindicate. To say that I have been an advocate of rebels! Why, Sir, in the strongest words which I can here use—words not so strong as to infringe upon your rules; for I will take care not to be called to order by you, Sir, because I respect you and the House—but in the strongest way, and with a much deeper feeling at bottom than the mere expressions ordinarily imply, I deny the truth of the hon. Gentleman's assertion. Nay, more, I would say, had that assertion not been uttered in the House of Commons—[" Chair, chair!"] No, I am not yet out of order. Had that assertion been uttered by any man not clothed as the hon. Gentleman is, with the protection of the House—[*Cries of* " Oh, oh!" *drowned the remainder of the sentence*]. The discrimination of hon. Members is far too nice, I say. Here you listen to my character being assailed; but you have not the candour to hear the accusation characterised by those terms which are and ought to be applied to an imputation which is not true. [" Oh, oh!"] I repeat, the imputation is not true. The hon. Gentleman has made a statement without first looking for proper evidence to support it. He ought to have looked for that evidence. It is a criminal proceeding to make charges against any man's honest character, without sufficient inquiry into the evidence; and I charge the hon. Gentleman with not having made that inquiry. And now I am going to argue the question. It is one in which I feel deeply. I long represented a large body of the people of Canada. I have seen the principles which, as such, I advocated, gradually find their way in this and the other House. The people of Canada are now enjoying the constitution which I asked for them at that bar. How did this come about? A noble Lord was commissioned by Her Majesty to make inquiries into the state of the Canadian Government. He wrote, in a report, which has since become celebrated, of " responsible government." That meant that the proceedings of the Canadian Administration should be subject to the approval of the majority of the House of Assembly. You passed here an Act by which you united Upper and Lower Canada, hoping thereby to avoid certain difficulties which you feared from differences of race. Well, lately an Act of the Canadian Parliament was passed, which goes to this: Certain losses have been sustained by the inhabitants of that country. These losses were incurred in an open rebellion of a certain portion of the population against the Government of this country. The losses fell alike upon the innocent and upon the guilty. In Canada there was no means of obtaining compensation for those losses save by applying to the House of Assembly. Such an application was made, and the colonial parliament decided that compensation should be granted to persons who had suffered certain losses. That Act, in my opinion, does not go far enough, And here I may, while I think of it, answer a question put to me by the right hon. Gentleman opposite. He asked whether any instructions given by the Governor General to the commissioners would alter the operation of this Act of the colonial Parliament? I reply "No." But what are the regulations laid down by the Act? Certain persons have suffered losses. First, the Act describes the species of losses which it contemplates, and then points out certain persons *eo nomine* who are not to be compensated. But, as I said, the general terms do not go far enough. The Bill says that it was necessary and just that the particulars of the losses should form the subject of a more minute inquiry under legislative authority, and that the loss occasioned by unjust and unnecessary and wanton destruction of property ought to be fully paid and satisfied. The general description is, that the losses must have proceeded from unjust, unnecessary, and wanton destruction. Now, that does not go far enough. Suppose a purely honest and loyal man to have had his house destroyed by converting it into a necessary fortification. Under the words of the Act he could not claim relief. But take the other side—suppose a man whom the hon. Gentleman the Member for Bridport would call a rebel—I have been called a rebel, or very near to it, to-night myself—but let that go; suppose him, if you will, a rebel. He may say, "My house has been wantonly destroyed; an enemy of mine came when I was absent—when I was a hundred miles away. He took a torch; he put it to my house and my barn; he burned both—the former over my family's head." Now, that is what I call wanton destruction of property; that man can therefore claim his loss, and it is no answer to that claim to say that he is a rebel. I have justified that portion of the law, and I justify it now. I ask the House of Commons, and I ask the country, if, since the years that have passed since 1837, there has been no accusation against him—if he has been subjected to no trial—I ask if you are justified in accusing him of being guilty of high treason? I say you are not so justified. That man is guiltless until he is convicted. It was a matter of policy whether the Government should give compensation at all; but having determined to do so, it is not in the power of Parliament or of the Government to retract. The right hon. Gentleman the Member for the University of Oxford says that he would have commissioners to inquire whether or not these persons are rebels. Is that right? Is it right that you should empower commissioners to say that a man, without having been put on his trial, is guilty of high treason? Can you, I ask, at this time of day, when these people have sprung up about you—can you on a sudden call on these people to be tried, because in some person's mind or other there is a belief that they are guilty of high treason? The right hon. Gentleman says that numbers were taken with arms in their hands, and that that is a proof that they were rebels on the occasion. I deny the assertion altogether. I know that thousands of men have been incarcerated who were as guiltless as the right hon. Gentleman himself; and he must know that in a time of such excitement as that, when one party is in the ascendant, that the rules by which persons are incarcerated are not very particularly inquired into, or much nicety used in the execution of them. I could mention the case of men who have been incarcerated —I could mention the case of one M. Viger, a person who must be known to this House, an honourable man, 75 years of age, who was kept in prison several months during winter in the terrific climate of Canada, where the thermometer often fell 33 degrees below zero, and was at last turned out of prison without being allowed a trial on the charges alleged against him. He was kept in the prison of Montreal on the charge of being a dangerous man: the Habeas Corpus in such a case was suspended—but when the time came round for him to be tried, they said, "No, we will not try you;" and they turned him out of prison. [*Laughter.*] It is a laughable case, no doubt. But let us apply the rule of the right hon. Gentleman to that case. The party incarcerated was taken with arms. Why, everybody is armed there. Everybody has a rifle or fowling-piece on his shoulder. I remember myself—I was a boy at the time—that I never went out without either one or the other. [*Laughter.*] Do hon. Members know that what they are dealing with in this spirit of levity is English dominion? Aye, and I am a man who wishes to support English dominion. But do they know that they are about to see the prophecy fulfilled, that that pseudo-loyalty of 1837 is just that which is now found to be the most dangerous characteristic in that country—do they know that it is just that loyal party of whom hon. Gentlemen opposite are the great patrons and supporters? I say that the Motion of to-night is dangerous to English supremacy. The principles of America are now so strong, that do what you will the majority of the country must govern. But there is that other party who are now acting in resistance to the majority, who are acting in that spirit which at the present moment is the terror of Europe. For what is that we now see throughout the disturbed nations of the world? It is the minority resisting the determinations, the grave and serious resolutions, of the peaceful majority. [*Laughter.*] Aye, I am speaking of a country in which are rife the dreadful anticipations that the minority will rise against the majority constituted by the law. It is that dreadful spirit which has led to the present results—it is that spirit which the Motion of the right hon. Gentleman the Member for Stamford, unintentionally on his part, I fully admit, is calculated to keep on foot. As sure as the sun will rise to-morrow, such a Motion will tend to keep up that spirit of opposition—to give heart to and strengthen it—and tend to a resistance to those determinations of the majority on which I say good government can alone rest. Sir, I say we are acting unwisely in now investigating the conduct of part of the Canadian Assembly. The right hon. Gentleman proposes to point his charges against the Government of this country. Why, Sir, the Canadian Assembly at this moment is by the constitution actually beyond your reach on this occasion. What they have done has been sanctioned by the executive authority previously to the commencement of the legislative function, and now having gone through them, and the present Bill having had the acceptance of the majority, and having received, as far as its principle is concerned, the assent of the Crown, the right hon. Gentleman says that this is a moment for interposing the veto of the Crown, and for preventing the wishes of the people from being carried into effect. And what does the right hon. Gentleman propose to do? He fears that the property of persons, not loyal subjects in 1837, whose property was wantonly destroyed, may succeed in obtaining compensation from the Canadian people for the loss of property so wantonly destroyed. That is a possible danger, of which I admit the existence under the Act. A man who was disloyal in his heart in 1837, whose property was wantonly destroyed, may in the year 1849 receive compensation under the Act. Now that is the sum and substance of the right hon. Gentleman's argument. But, on the other hand, the right hon. Gentleman put altogether out of sight the many dangers attending the course he now recommends. He recommends that the noble Lord the First Minister of the Crown should pledge himself, the House, and the country, not to allow this Act of the Canadian Parliament to become law, unless he can get a guarantee from the Canadian Parliament that no human being who had disloyalty in his heart should, after the wanton destruction of his property, receive compensation under that Act. Why, it is utterly impossible to draw the distinction. You must either resolve that there shall be no compensation, or you must take the line drawn by the Parliament of Canada. But I go on a step further. I say it is not only impossible to draw a better line, but that if it were it would be highly dangerous and impolitic to attempt it, and thus run counter to the wishes of the people of Canada, as expressed through the constituted authorities. The right hon. Gentleman then says there is great excitement in Canada; but has he not seen excitement in another part of the British empire? Has he not heard of excitement in Ireland? and would he recommend to this House to abstain from a line of policy which it might think wise and prudent, simply because there was great excitement in that country? But, Sir, I deny the assertion altogether. There is not that excitement in Canada of which the right hon. Gentleman speaks. There was excitement in certain portions of Montreal; but, looking at the numerous addresses to the Earl of Elgin, as marking the feeling of the great body of the people, I say that excitement does not exist. The right hon. Gentleman then says that it is a question of races. I deny that assertion. The question of races has nothing to do with it. I stated the other day that the majority of English people in Upper and Lower Canada were in favour of this Bill; and I say that to talk about races is idle. The question of races is totally irrelevant. It is simply and totally a different question. I will tell you what is the question. In both Upper and Lower Canada, for many years, a small party, not the majority but the minority, were enabled to domineer and govern, with the assistance of the Colonial Office. But the Colonial Office, this House, and the country have grown wiser. They have now given them a constitution, and the Colonial Office has given the Governor instructions by which the majority of the people, in place of the minority, shall rule in Canada. But the minority, long accustomed to domineer, hate to lose their hold. Deprived of their power, they become angered, and take everything as an insult, and rise in this sort of fury against the majority—taking advantage of the ignorance of the multitude, as in the recent case at Montreal. They also take advantage of this most monstrous outbreak in Montreal to apply to Parliament to retrace its steps, and transfer from the majority to the minority the power which it ought to retain—a power which, if so transferred, will certainly endanger English supremacy in Canada, and pave the way for a recurrence of those events which characterised the year 1837. The gigantic Republic of America, in that spirit of independence which the offshoots from this country derived as their dearest birthright, has shown its determination to be governed by the law and by the majority of the people. It is a spirit which, if we endeavour to put down in any portion of the continent, might not unnaturally be expected to lead to a repetition of those terrible events which the world witnessed in 1776. We acknowledge ourselves that the colonies rose against injustice, that they rose in defence of a just cause; and when Lord Chatham said that "they had rebelled, and he thanked God that they had rebelled," the world was not prepared to witness the result of the course which the colonies found it necessary to take. Sir, I do not desire to see the lesson repeated. I want to retain our colonies—I want to see them loving and respecting our rule, and that they should be impressed with the generous spirit in which we govern them—I want that no narrow policy, no such unhappy interference, should shake that respect and love which I am bold to say they are happy to owe and feel towards English dominion in that country. I hope, Sir, so far as my opinion goes in this House, that this expression of it calmly and deliberately may not be weakened by the somewhat excited state in which I began. Whilst reasoning upon the matter, that spirit of indignation —for such I confess it was—has cooled down, and I do hope that, for the honour of this House, and for the sake of the opinion which the world holds of us as a generous people, we shall not hear any more of those imputations.

MR. B. COCHRANE explained. He had no intention of casting an imputation upon the hon. and learned Member when he stated that he had appeared as the advocate in that House of some persons who had appeared in arms against Her Majesty's forces.

MR. CUMMING BRUCE desired to approach the consideration of the question in that spirit of calmness and impartiality which its importance demanded—it would be difficult to exaggerate that importance. On the tone of the discussion, not less, perhaps, than on the decision to which the House might come, might depend the tranquillity of Canada. It was, therefore, far too important and momentous a question to be made the subject of a mere party struggle. It would have been well, indeed, if influential parties out of doors, the reputed organs, for instance, of two important sections of this House, had thought it right so to approach it. They, on the contrary, and more especially that journal which was the reputed organ of the party of which his right hon. Friend the Member for the University of Oxford was so distinguished an ornament, had not scrupled, in ignorance, he must hope, of the real state of the case, for, if not in ignorance, then with a most unfair and culpable suppression of the facts, to assail the Canadian Ministry and Parliament in the fiercest strain of acrimonious invective; and for weeks past had endeavoured to prejudice the Governor General of Canada in public estimation, by directing against him every expression of bitter personal attack, and calumnious misrepresentation. They had done what in them lay to aggravate the difficulties of a position already sufficiently difficult, and he wished them joy of their success—nothing doubting, now that the facts of a plain tale had put down malice, but that they were by this time heartily ashamed of the rabid nonsense with which on this subject their columns had been disfigured. He thought the question also too important to be made the ground on which the battle should be fought which was to decide between the merits of the policy of protection on the one side, and the demerits of the system of free trade on the other. At the same time—and it was one of the disadvantages under which the Government in Canada laboured—it was difficult altogether to exclude from our minds the consideration of the merits or demerits of those systems of policy. Because every one at all acquainted with the state of feeling at present existing in Canada, must be aware that the discontent and irritation unhappily existing in the minds of many persons in that country, and for the manifestation of which this Rebellion Losses Indemnity Bill had furnished a pretence, producing results as disgraceful to the instigators and actors in them as they were deplorable in themselves, were greatly aggravated by the distress and suffering in which the system of free trade, adopted by the mother country, had involved Canada, as it had involved Jamaica and other colonies of the Crown; and he feared he must add many of the most important interests in the parent State. He had no intention of now entering into a discussion of that policy; but it seemed to him most necessary and essential that this should be borne in mind; because, if the House was led to attribute Canadian discontent to the adoption by its legislature of the Rebellion Losses Indemnity Bill, and thought that by disallowing that Bill, and condemning the policy of the Governor in sanctioning it, contentment could be restored to all parties in Canada, his belief was that they would be altogether mistaken. His conviction, on the contrary, was, that such a course would be attended with the most disastrous results, and entail those very evils which all parties professed their desire and anxiety to avoid—a continued and increasing discontent—the loss of all reliance on the impartiality and integrity of purpose of the mother country—and the possible attempt to work out the system of constitutional government, which you had professed to bestow, and which they are determined to maintain, by the aid of other means and other allies than those which the constitution suggests. Now, a clamour had been raised against this Rebellion Losses Indemnity Bill as if it were now heard of for the first time, and as if Lord Elgin was the first Canadian Governor who had tolerated the introduction of such a measure. It had been represented as an insult to the Imperial Government and to the loyal inhabitants of Canada; and, acting on the approved principle of "Give a dog an ill name and hang him," its opponents had changed its title, and instead of a "Rebellion Losses Indemnity Bill," we are told we have to do with a "Rebels' Reward" Bill. He found it so represented and designated by such enlightened guides of public opinion as the *Morning Post* and *Morning Chronicle*, whom it was refreshing to see rowing in the same boat, and making common cause in this worthy attempt, through an attack on a Colonial Governor to storm the Colonial Office. Their unanimity was wonderful. Nothing was too bad for this recreant Governor—immediate recall—perpetual exclusion from the service of the State—that was the least of his deservings—even the rioters received their praise; at any rate they had not been blamed by them for the summary punishment which they had so bravely inflicted. It would be consolatory for him to know that such opinions were not shared by those within these walls, whose opinions they were presumed to represent—more consolatory still to know that they were not shared by the vast majority of the loyal inhabitants, both in Upper and Lower Canada. Now, with all respect for such high authorities, the very reverse of all they represented was the fact; and when the excitement of the moment had passed away, men would wonder at the misconceptions into which they had been led, and at the monstrous injustice and flagrant dishonesty of the faction which had sought so to misrepresent it. Now, without referring to the indemnity of losses incurred during the rebellion in Lower as well as Upper Canada, previous to the union of the provinces—and on the wisdom of that union he would express no opinion—he was averse to it at the time, but it was one thing to make and another to dissolve it—it would not be denied that the provincial Acts, chap. 76, 1840, and chap. 39, 1841, while the Government was administered by Lord Sydenham, appropriated a sum of 40,000*l*. to indemnify the sufferers in Upper Canada. No one could imagine that, such claims having been thus recognised in one division of the province, they should not be considered and recognised in the other. Accordingly we find Sir Charles, afterwards Lord, Metcalfe, urging on Lord Stanley, then Secretary for the Colonies, in March, 1844, the petition and claims of certain Lower Canadians for similar relief; and we find Lord Stanley himself, in the month of May following, suggesting that the applications from both sections of the province might be submitted in one application to the Assembly, when they might receive favourable consideration, and be compensated by debentures. Subsequent to this we have the Acts 8th Vic., c. 72, 9th Vic., c. 65, and 10th and 11th Vic., c. 33, in the years 1845–46 and 47; of which, the first provides for the claims of Upper Canada; the second, for certain claims in Lower Canada; and the third, adds a farther sum of 3,613*l.* to the 40,000*l.* already appropriated to Upper Canada. During all this period, if he mistook not, the party now in opposition formed the government of the province. After the lamented death of Lord Metcalfe, we find Earl Cathcart, who succeeded him as administrator of the province, in communication with the commissioners appointed by his predecessor to investigate claims to be compensated under the head of rebellion losses; and, up to the year 1846, at any rate, the papers on the table prove that the subject, now the pretence of such fierceness of patriotic denunciation, and such loyal zeal for imperial honour, was quietly and steadily proceeded with by successive Ministers under successive Governors, without exciting, either in Canada or in this country, even a whisper of disapprobation. It would not, therefore, he trusted, be again said that this was a measure brought forward by the Government of Lord Elgin for the first time. The fact was, it was a measure inherited from their predecessors, and one which they were bound to take up even if their own natural sympathies had been all the other way. But it was known that their sympathies were favourable to it, and it suited certain parties whom the results of the last election—an election called for by themselves, and conducted under their own auspices, had compelled to relinquish office—a thing disagreeable in older countries than Canada—to found on this circumstance their opposition to a measure which, in their own hands, had appeared to them liable to no objection. They knew for certain that those sympathies were opposed to the domination of the family compact; it suited them to represent them as favourable to those who had pushed their resistance to that domination to the extent of a wicked and most foolish rebellion, and such a measure in their hands would be neither more nor less than a measure to reward rebels at the cost of the loyalists of the province. But before such conclusion was adopted, it would be only fair to look at the Act itself, and to compare its provisions, not only with the Acts which had preceded it, but with the instructions to the commissioners appointed by previous Governors under or with reference to those Acts. It would appear from such a comparison, not only that the present Act did not go beyond those which preceded it, but that it was, in fact, much more precise and guarded in excluding from compensation all those against whom a charge of having participated in the rebellion could be fairly established; and if this were so, it would appear what the true character of the opposition really was. It was an opposition got up by those who would willingly have gone the same or greater lengths to have answered any purposes of their own; and it was consequently an opposition as unfair, factious, and unprincipled as was ever had recourse to by any party seeking to obtain power at the cost of the peace and tranquillity of their country. The House was aware from the papers on its table that a commission was issued by Lord Metcalfe, in December, 1845, to inquire into rebellion losses in Lower Canada. By the instructions addressed to those commissioners, of the same date, by Mr. Daly, they are directed—

> "Carefully to classify the case of those who had joined in the said rebellion, or been aiding or abetting therein, from the case of those who did not."

The commissioners being at a loss where to draw the line indicated in this part of their instructions, applied, in the month of February, 1846, under the administration of Earl Cathcart, for instructions which might furnish them with a rule for their guidance in the execution of their duties; and on the 27th of the same month the following instruction, explanatory of, and supplementary to, their first instructions was addressed to them:—

> "In making the classification called for by your instructions of 12th December last, it is not his Excellency's intention that you should be

guided by any other description of evidence than that furnished by the sentences of the courts of law."

Now, the limit seemed narrow enough, and, certainly, left a wide door open for the compensation of those whose conduct during those unhappy troubles would justly have excluded them from any claim. Not a word was, however, then said of "rebels' reward," of imperial disgrace, of insult and injustice to Canadian loyalists. The right hon. Gentleman the Member for the University of Oxford was then, he believed, Secretary for the Colonies; and he could not but feel surprised at the extraordinary susceptibility which his right hon. Friend had exhibited on these points since the accounts of the proceedings on this Bill had reached this country, for he found no remark or remonstrance on his part in regard to them up to the period of his quitting office. He appeared, as Colonial Secretary, to have died and made no sign. The leisure of opposition had allowed him doubtless to take a juster view of the matter; and were he again in office, and instructions similar to those of Earl Cathcart again to issue, it could not be doubted but that he would visit them with his prompt and severe animadversion. He must say, however, that his right hon. Friend appeared to him, on this occasion, to have indulged in the operation of splitting hairs, and had applied to their examination glasses not only highly coloured, but possessed of a strong microscopic power, which had not only discoloured the objects of his examination, but invested them with proportions infinitely more formidable than could be discovered by the unaided vision of common sense. He would have the House believe that a drop of the waters of the St. Lawrence was charged with all those formidable creations of animal life—all those indescribable monsters which the microscope revealed to us, waging an internecine war in a drop of our own beautiful and ill-used Thames. Fortunately for the Government of Canada, and doubtless to the infinite satisfaction of his right hon. Friend, the present Bill is liable to no such imputation. Not only are persons against whom sentence was recorded carefully excluded, but, by the very terms of the preamble, all those, though untried and unconvicted, whose losses were occasioned by their own misconduct, or by participation in the proceedings of the rebels, were, as it appeared to him, effectually excluded. The preamble recites, that such losses only shall be compensated as are "totally or partially unjust (unnecessary) or wanton." Now, no loss incurred in resistance to the Queen's authority, or to the troops engaged in restoring it—no loss incurred in furthering the rebellion—could be called either "totally or partially unjust, unnecessary, or wanton." The commissioners to be appointed for their investigation are to be appointed by the Governor on his responsibility; they are to conduct their inquiries under the solemn sanction of an oath that they will decide according to the true intent and meaning of the Act. Responsibility must rest somewhere, and confidence must be placed somewhere; and, if there be honesty either in the commissioners or the Government, it would be impossible, under the terms of this Act, that losses incurred in furthering the cause of the rebels could for a moment be held as fitting objects of indemnity. But it has been argued that a *malus animus* is to be inferred against the Canadian Ministers, the authors of this Bill, because they refused to adopt amendments offered by their opponents, which tended to mark more distinctly the line of exclusion. This argument may have weight with those who have persuaded themselves that those Ministers are in spirit and inclination averse to British connexion, and in their hearts repudiate their allegiance to the British Crown. But as he (Mr. Cumming Bruce) believed that, having obtained the redress of all those grievances which caused the feelings of alienation and discontent which broke out into open insurrection in 1837 and 1838, they are now to the full as loyal and as much attached to British connexion as any other inhabitants of Canada—as much so as they proved themselves in 1775 and 1812, when they showed their readiness to resist American invasion—he attached no weight to this argument. Had they agreed to adopt those amendments, they would have agreed to a vote of censure on themselves, and would have acquiesced in the inevitable inference that the Bill, as originally introduced by them, was intended to have the effect alleged by their opponents—was intended to compensate, not rebellion losses, but rebels. They repudiated any such injurious inference. The Bill, as they had introduced it, was intended to exclude, and did in terms exclude, all claims which could be fairly objected to. The amendments pointed at an inquisition into men's thoughts, and one which must have had the effect of reviving all that irritation, all those feelings of hostility which had unhappily existed between the people of British and French origin in the province. It had been the object of British statesmen, ever since the insurrection was suppressed, to allay and soothe those feelings. With that object an amnesty had been granted even to those who might justly have been punished. It was the duty of the Ministry and of the Government of Canada to resist any proposal tending to nullify the amnesty, or to revive those feelings it was intended to allay; and it seemed to him (Mr. Cumming Bruce) that the Canadian Ministry would have ill discharged their duty to their Queen, and to their countrymen in both sections of the province, if they had agreed to amendments which merely went to effect, in an ungracious and hostile spirit, what the Bill, as they have passed it, really does effect in a manner as effectual, and far less objectionable. But the determination of the Canadian Ministry was approved by a large majority of the representatives of the Canadian people—not by a majority composed of the French Canadians alone, but by a majority of the representatives of the British population both in Upper and Lower Canada. But it was said that the Parliament, though elected only eighteen months ago, and under the auspices of the party now in opposition, did not represent the real opinion of the constituencies, and therefore that the Governor should have interposed to redress the inequality in the votes of his Parliament; and, by having failed so to interpose, we are told he has laid the foundation of an enduring discontent, from which all sorts of evils are to flow. His (Mr. Cumming Bruce's) belief was, that a discontent, enduring because justifiable, must have been the consequence had he adopted any such course. Where was the proof that the decision was at variance with the opinions of the constituents of the majority? From a pamphlet by Mr. Mackay, which he held in his hand, he learnt that all the representatives of the more numerous British constituencies voted for the Bill. How did it happen that none of them had, before or since its passing, remonstrated with or censured their representatives? Mr. Mackay stated, that no such manifestation of public opinion on their parts had taken place. The fair inference was, that no such difference of opinion between the constituencies and their representatives existed. His belief, therefore, was, that the course followed by Lord Elgin was the right course, the only one which, under circumstances of the greatest delicacy and difficulty, could have averted the worst results, involving not merely a possible insurrection in Canada, but involving very possibly the interruption of our friendly relations with the United States. You had conceded to Canada the boon of a free constitution, and of responsible government. He said not whether wisely or unwisely. Was that boon to be fairly and honestly carried out, or were you to brand it with the mark of a delusion and a mockery on the very first occasion on which its working might seem to run counter to your own impressions of what it might be right and fitting for the Parliament of Canada to do? He believed that no more fatal error could have been committed than to have impressed on the mind of the Canadian people a conviction, that the responsible government you had professed to bestow on them was a shadow and not a substance, a concession in name only, but wanting in reality and truth. He believed that such a conviction would have been more fatal to you in Upper Canada, and among a population of British origin—a population who know, as it were by instinct, in what true liberty consists, and who worship her with a deep and earnest worship—than even in Lower Canada. He believed that this conviction must have resulted from any arbitrary interference of the authority of the Crown to overrule the decisions of the Canadian Parliament on a question so purely local, and that in its results it would have proved disastrous, if not irremediable. That such were the views of the course which the Governor should take, entertained by enlightened men in Canada among those opposed to the Indemnity Bill and to the policy of the present Canadian Ministry, might be inferred from the opinions expressed in papers opposed to the present Government. In the *Transcript* of the 13th of April, before the late disgraceful riots had occurred, he found the following paragraph. It was important also as a justification from the charge of culpable remissness brought against the Government for not having been prepared for the outrageous attacks of the rioters; for while such was the language held by the public press opposed to the Indemnity Bill, no such violent and outrageous proceedings could have been anticipated. [The passage referred to was from the *Transcript,* and stated that, "better twenty such Bills than an interference by the Crown in such a case."] Such he believed to be the sentiments of the great majority of the respectable portion of the British Canadians, even among those most opposed to the Indemnity Bill; and he doubted not that such sentiments would acquire increased strength with every day that elapsed, however that result might be retarded by the tone taken by certain parties and papers in this country, who really would seem to be labouring to excite a war of races, and an insurrection for annexation. Much had been said of the unpopularity which the course he has pursued has drawn on the Governor, in the insults offered to whom, and which these enlightened guides tell us he has richly merited, an insult has been offered to the Majesty of the Sovereign he represents, and by which Her authority has been lowered. He (Mr. C. Bruce) was not disposed to underrate the value of popularity in the case of the governor of a province situated as Canada was—it might greatly facilitate the smooth working of the machine of government; but he] believed that the course followed by Lord Elgin would, in the long run, secure the greatest amount of that sort of popularity which resulted from the satisfaction and contentment of those he governed—the only sort of popularity permanently advantageous both to the colony and this parent State—the only sort which he believed it was Lord Elgin's object to acquire. Had he sought mere personal popularity, it might not have been difficult to attain to it. He had but to back up the colonists in their denunciations of free trade—to insinuate to those about him, on his arrival in his government, that he considered the colonists entitled to protection—that in their case it would be hard and unjust to withdraw it; and he would have said most truly. Had such been his line, he would have been popular enough. If, on the other hand, he set himself to stem the tide of self-interest and popular passion—to endeavour to reconcile the colonists to a policy disadvantageous indeed to them, but which he knew the mother country had deliberately adopted, and which he knew, also, would, for a time indefinite, be carried out to the full length, it might be, of a most disastrous experiment—this would not be, certainly, the direct road to personal popularity, but it would be a course at least akin to that highest order of patriotism which involves the sacrifice of self to promote the interest of one's country. The first of these courses would have been inconsistent with his duty to his Sovereign and his country; and he little knew his noble Friend if he could for an instant have contemplated it. The second he has followed. It may be incomprehensible to those who see in politics only a struggle for place, but it will be understood and appreciated by those—he trusted the great majority in the House and in the country—who were influenced by other and nobler motives. He entirely repudiated the defence set up for the Governor of Canada, which would separate his share in, and responsibility for, these measures from that of his Ministers. In giving his sanction to them he had adopted them, and did not wish to escape from his full share in responsibility for measures which he approved. They had denied, and he had denied, that it was the intention of this Bill to compensate rebels. Why should their words be doubted? they were as much entitled to credit as the parties opposed to them. Not that he questioned the integrity of many of those by whom in Canada the Bill had been so zealously opposed. Sir Allan Macnab was one of them. He had not the honour of a personal acquaintance with him; far be it from him, however, to say a word against the motives or the honour of one whose loyalty was unimpeachable, and who had given proofs of that loyalty, which no one who respected devoted loyalty, great energy, and noble courage, would ever forget, or, remembering, speak of save in terms of gratitude and respect. He was unwilling to trespass longer on the indulgence of the House, to which he was already so largely indebted. The personal popularity or unpopularity of a governor might be but small in importance—what really was important in this matter was, that this Imperial Legislature should neither say nor do any thing calculated to induce in the minds of the people of Canada a doubt of the sincerity of your determination honestly to allow them to work out, and reduce to practice, the principle of responsible government, which your own concession of it has for them invested with the character and the force of a passion. Look at the language of his countrymen in the Glengarry district, in their address to the Governor, and say if you can doubt their appreciation of it. He confessed he was proud of that appreciation, because it was an appreciation animated and ennobled by those devoted feelings of loyalty to the Crown, and devotion to the person of our gracious Sovereign, which ever had lived, and he was sure ever would live, in the hearts of true Highlanders. He had deprecated any thing which might induce a doubt of our sincerity, lest thereby the people of Canada might be led to endeavour to work out constitutional government by other means and other allies than those which the constitution suggested; and however confident we were, and justly so, in the loyalty of the great mass of its population, we should not forget that such allies, sufficiently disposed to make common cause with any minority in that country disinclined to the supremacy of the British Crown, were not far to seek. An open frontier, a river easily passed, separated them for hundreds of miles from a powerful people, restrained, as we too well knew, by none of those principles of international law which the comity of older States has recognised as binding upon nations—throughout the various border States of the American Union, it is well known that a design has long been entertained of detaching Canada from England, and that societies exist whose object it is to effect that separation by whatever means; nor is there any secret in their intentions—the advantages which would result to Canada are a constant topic not only in the American newspapers, freely circulated within the Provinces, but are made the subject of daily discussion in papers conducted by Americans within the province itself. So long as we maintained in their integrity those free institutions, for the maintenance of which the honour and good faith of England was pledged, he had little fear of the effects of such publications; but if we once induced a doubt of our sincerity—if, above all, we appeared to countenance the policy of those reckless and wicked men who talked of the superiority of the Anglo-Saxon race, and of "Anglifying" the Canadians; in other words, of treating 600,000 or 700,000 of the Queen's subjects as men undeserving of liberty, whose language and religion were to be suppressed, whose feelings were to be outraged and held of no account, who were to be branded as incapable of loyalty to our Sovereign; then, indeed, we might prepare for that war of races which had been so eloquently deprecated in another place, but which the policy at present so fairly carried out in Canada would, he trusted and believed, for ever avert.

MR. BROTHERTON moved the adjournment of the debate.

Motion made and Question proposed, "That the debate be now adjourned."

MR. GLADSTONE said, he need hardly say that after the length at which he had formerly trespassed on their attention, he did not rise then to make any observations on the general subject, even though a Motion had been made since he addressed the House; but he rose only to offer a few words upon that Motion, and the position in which it placed him. His right hon. Friend the Member for Stamford had proposed that an address should be presented to the Crown, praying Her Majesty to suspend her assent to the Act of the Canadian Legislature now under the consideration of Parliament. He (Mr. Gladstone) had given a distinct assurance to the noble Lord that, so far as he was concerned, he did not intend to make any Motion on the present occasion. He thought that course was demanded by the importance of the subject. Of course he had no power to limit the discretion of other Gentlemen, but he thought it was the general expectation of the House that on the present occasion no Motion should be submitted. Independent of the impossibility of concluding the debate to-night, he thought it was desirable that some interval should elapse before the House came to a formal vote. He would therefore suggest to his right hon. Friend, if he might venture to do so, to take one of two courses: either that the adjournment of this debate should be moved to this day se'nnight; or to take another course, which would, perhaps, be more appropriate and becoming, taking all things into view, that his right hon. Friend should withdraw this Motion, and that he should give notice of a distinct and substantive Motion for another occasion. He thought himself bound, having already expressed his opinion at sufficient length—he thought himself bound to the noble Lord and to the House to venture to make these suggestions to his right hon. Friend.

MR. HERRIES would repeat what he said at the first, that he would not press this Motion if the noble Lord would give an assurance to the House that he would carry into effect the intentions and the wishes which he had himself expressed; for he thought that, with such an assurance, not only would this Motion not be necessary, but it would not be advisable; and therefore the noble Lord could easily remove any inconvenience which might arise by giving such a pledge. If the noble Lord did not do so, he must persist in his Motion.

LORD J. RUSSELL certainly could not accede to the proposition of the right hon. Gentleman who spoke last, that he should provide a mode by which persons who had been aiding or assisting in the rebellion might be distinguished from all those who were not so. He conceived that if he gave such an assurance, and it were afterwards discovered that some person who received compensation under the notion of his perfect innocence had, in fact, from rumaging old papers or some other evidence which did not now appear, been found to have participated in the rebellion—then he would be charged with a breach of the promise he had given to the House. He believed that if there was to be any mode in which the Canada Bill was to be altered, the right hon. Gentleman ought himself to suggest that mode. He could not, therefore, undertake to give that assurance which the right hon. Gentleman asked for. With regard to the suggestion made by the right hon. Gentleman the Member for the University of Oxford, he certainly did not expect that a Motion would be made to-night on this subject—he did not expect it because the course was most unusual that when one right hon. Gentleman gave notice that he would call the attention of the House to a subject—thereby implying that he did not mean to make a Motion—it was unusual that another Member should on that occasion make a Motion. But as the Motion had been made, he considered, for his part, that it would be most unfair and most unjust if the debate should be adjourned so long as a week. He had no objection that the right hon. Gentleman should withdraw his Motion, and make another. ["Hear, hear!"] Well, that was not his suggestion, but the suggestion of the right hon. Gentleman the Member for the University of Oxford. But if the right hon. Gentleman persisted in his Motion, he thought it would be only fair that they should go on as soon as the House assembled again, with a view to conclude the debate. He thought that such a Motion having been brought forward, and having been put from the chair, it was right that it should come to a conclusion. [*Cries of* "Divide!"] Well, if the House wished to divide, he had no objection.

MR. DISRAELI rose to disabuse the noble Lord and his Friends of any ideas they might have entertained, that it was the wish of his right hon. Friend the Member for Stamford, or of the Gentlemen round him, either to postpone the matter for a week, or to withdraw his Motion. They had no wish of the kind. Such a wish had, indeed, been expressed to his right hon. Friend, but he was not in any way responsible for it. At the same time he wished to take that opportunity of vindicating the course which the right hon. Member for Stamford had taken, and to show that though it might be unusual, it was by no means irregular. Proceedings of a most important character had taken place in one of the most important colonies of the empire; the attention of the House and of the country had been directed to that colony; and there could be no doubt that the attention of the House of Commons would be publicly called to it on an early and legitimate occasion. What had actually occurred? A right hon. Gentleman, occupying an elevated position in the House, who had held the situation of Secretary for the Colonies, had given notice that he would draw the attention of the House and of the Government to the subject. He had done so in an able and elaborate statement. The Government, represented by the First Minister of the Crown, had afterward risen and stated their case. Was it irregular, then—was it not rather the bounden duty, being thus in possession of the views of Government, elicited by the observations of the right hon. Member for the University of Oxford, that his right hon. Friend the Member for Stamford should take the course he had done? What could be more absurd than that, after the debate had been carried on by two eminent Members of the House, they were to agree that all this discussion was to go for nothing—that after the case had been stated on one side by a late Secretary of State, and answered on the other by the present First Minister of the Crown, they were to agree that all this should be considered mere idle discussion, and that another day should be fixed for a formal and grave debate on the subject? The course which his right hon. Friend had followed was, in his opinion, the natural and the rational one, and the one that was most convenient for discussion. His right hon. Friend had not taken this step without due deliberation, and he was not prepared to withdraw his Motion under any circumstances whatever.

MR. VERNON SMITH hoped that the hon. Member for Salford would persist in his Motion for adjournment. He denied that the right hon. Member for Stamford had taken the proper course. The proper and natural course would have been to ask the right hon. Member for the University of Oxford if he intended to found any Motion upon his observations, and if he did not, then the right hon. Member for Stamford should have given formal notice of the Motion he intended to submit. For let it be understood, this was no trifling question. This question, the mail, which sailed for Canada to-morrow, would carry out to the inhabitants of that colony. As for himself, he considered that the Motion of the right hon. Gentleman was one of the most important colonial questions that had ever been submitted to this House. He contended that the right hon. Gentleman ought to have given notice of his Motion; but he did not mean to say, if a Motion had been proposed, and if the right hon. Gentleman thought it did not go far enough, that he was not entitled to make another Motion going farther. It would be unwarrantable to press on the House of Commons such a proposition without notice, or that hon. Gentlemen who were not aware of it should not have an opportunity of expressing their opinions on the subject by their votes.

MR. BANKES said, they would now see what course would be taken by the hon. Gentleman the Member for Salford, who was so ready to give way when the Government desired it. They would now learn whether he was the tool of the Government or not—[*Cries of* "Order!" *and* "Adjourn!"]—for he (Mr. Bankes) would tell him to his face, however individuals, by their clamour, might endeavour to drown his voice, but they would not succeed, that if he persevered in his Motion it was as a subservient Member acting for the Government; he made that Motion knowing they were dreading a division. His conduct was that of a subservient Member acting at the will of the Government—acting unfairly to the House, moving for an adjournment when it was the convenience of the Government, and opposing such adjournment when the contrary was the case. The hon. Member could no longer hold the situation which he was desirous to hold, of an independent Member, if he put himself prominently forward on this occasion; he, therefore, called upon him to withdraw his Motion, and let them now take the division. It was true, as was stated by the right hon. Gentleman the Member for Northampton, that this was an important question. They had had a statement from a late Colonial Secretary, a Gentleman of the highest character. Since, then, they had had a speech from the First Minister of the Crown; and the Members of the House were then as well prepared to come to a division as they could be at any future occasion. They had had an opportunity of hearing also an hon. relative of the Governor General of Canada; and having heard all those statements, he (Mr. Bankes) knew not what further the right hon. Gentleman the Member for Northampton could desire to hear, before he would be prepared to come to a division on the subject. If the hon. Member for Salford would preserve his character for independence, he would not press his Motion. If he did, they should take the division on the adjournment; but undoubtedly it was their wish to come to the division on the main question.

MR. BROTHERTON: I beg to tell the hon. Member for Dorsetshire, that if I am to be a tool of one side or the other, I will stand by my friends [*pointing to the Treasury bench*]. My object in moving the adjournment was, that the debate was not likely to come to a close this evening; but as I have on many occasions before given way when it has been the wish of the House, I am perfectly ready to withdraw the Motion.

Motion, by leave, withdrawn.

Debate resumed.

The MARQUESS of GRANBY wished to know from the noble Lord at the head of the Government when the adjourned debate would come on, in case the question was postponed?

LORD J. RUSSELL really thought that this was a question for the House much more than for him. He did not wish to shrink from a division any more than the hon. Gentleman the Member for Buckinghamshire; but he believed this to be a question of very great importance, and it was for the character of the House that the Members of it generally should be aware that there was such a question before them. Those hon. Gentlemen who came to the House after the right hon. Gentleman made his Motion, should have an opportunity of considering the question, there having been no notice of that Motion.

Mr. W. F. MACKENZIE: In case the debate is adjourned, will the budget be brought on to-morrow?

Lord J. RUSSELL: In that case the budget would be postponed for a week.

Mr. DISRAELI said, it would no doubt, he considered, be very advantageous to have a prolonged discussion on the subject of Canadian affairs, but they must consider the state of public business; and when they were told that the consequences of postponing the question would be the postponement of the budget, no person could sanction it. On this ground he appealed to those Gentlemen, few in number, who wished to adjourn the debate, that they should pause before they pressed upon the House their impressions. The subject was not, certainly, discussed for more than one night; but he thought it was to be the characteristic of the Session to avoid long discussions. How had this question been discussed? It was brought forward by an eminent Member of the House, formerly Secretary for the Colonies, who certainly had full and ample opportunity of expressing his opinion. [*Cries of* "Spoke!"] The right hon. Gentleman the Member for Stamford had expressed the opinions of the party with which he is connected; the hon. and learned Gentleman the Member for Sheffield, who had a particular interest in this question, and was acquainted with its merits, and who has a *locus standi* in respect to it, had also spoken. The packet was about to leave England; and considering that the question was admirably debated, and considering that the postponement of the budget would be the consequence of the adjournment of the debate, he must appeal to the House to divide now on the question.

Mr. GLADSTONE must make an appeal to the House. [*Cries of* "Divide!"] He was not to be deterred from the discharge of a most solemn duty. He never wished to place himself in opposition to the opinions of any portion of the House; but he solemnly and earnestly besought hon. Gentlemen to consider the deep interests involved. Let them consider that it was with respect to the interests and feelings of persons removed from them many thousands of miles they were called upon to take this important step. Let them consider also the character of the House, which he would venture to say would suffer seriously there and elsewhere unless their proceedings on a matter of this kind were marked by the utmost deliberation, and by the exercise of the clearest and most dispassionate judgment. There had rarely been a question of a nature more important submitted to the House. It is a question of which the beginnings may appear small, but the subsequent stages may be extensive. He (Mr. Gladstone) had stated what it appeared to him the honour of the Crown demanded; and he would say that both the honour of the Crown and of the House demanded, that every step they took in pressing this matter to its issue should be a step carrying with it the presumption that they had applied their minds in seriousness to the question—that the decision at which they arrived had not been taken in the heat of momentary excitement on the part of Gentlemen who, he must say, had heard little of the debate. The hon. Gentleman the Member for Buckinghamshire had paid him an undue compliment in respect to his statement that night; but the hon. Gentleman would allow him to say, when he spoke of the statement he had made, and the reply of the noble Lord at the head of the Government, as affording, in some degree, a basis on which the House might form a judgment, that he had addressed his statement to a House, he thought, not containing one-eighth or one-tenth part of the Members then present. The predicament of the noble Lord opposite was nearly the same; and two-thirds of those who had heard him did not hear the statement of the right hon. Gentleman the Member for Stamford. He would tell the hon. Gentleman the Member for Buckinghamshire, in all seriousness and good temper, if he were looking for the progress of public business, he hoped he would not force the division that night; for it was not the progress of public business that night or the next they must consider; they should consider how future public business would be affected by a precipitate issue being taken in the affairs of Canada. If they wished to provide for the future progress of public business, he advised them to proceed with deliberation and caution, and give the whole people of the empire reason to think that they considered and respected their feelings.

Mr. ROEBUCK reminded the right hon. Gentleman that he had laid himself open to his own charge. His Motion had been made in all seriousness, and he must have expected that his observations would have had a great effect at least on his own party—if the right hon. Gentleman had a party—or, at all events, that it would have an influence on the House. One of the consequences of calling the attention of Parliament to great questions was, that it led necessarily to divisions in that House; but he felt bound to say that this was not the first occasion when the right hon. Gentleman produced effects by his Motions like the present. He would frankly tell the right hon. Gentleman that he had come down under the impression that a division would take place, though he believed that during the debate many hon. Gentlemen had gone away under the impression that no division was to take place.

MR. BAILLIE wished to know if any hon. Member desired to address the House on the question. He saw nothing for which an adjournment was necessary.

Motion made, and Question put, "That the debate be now adjourned."

The House divided:—Ayes 172; Noes 107: Majority 65.

List of the AYES.

Abdy, T. N.
Adair, R. A. S.
Adderley, C. B.
Anson, hon. Col.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, C. L. G.
Blake, M. J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bramston, T. W.
Brand, T.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Bruce, C. L. C.
Bunbury, E. H.
Burke, Sir T. J.
Campbell, hon. W. F.
Carew, W. H. P.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, W. G.
Cayley, E. S.
Chaplin, W. J.
Clay, J.
Clements, hon. C. S.
Cowan, C.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. B.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Douglas, Sir C. E.
Drummond, H. H.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Estcourt, J. B. B.
Evans, W.
Fagan, W.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J. W.
Fitzroy, hon. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fox, W. J.
Freestun, Col.
Frewen, C. H.
Gibson, rt. hon. T. M.
Gladstone, rt. hn. W. E.
Glyn, G. C.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Haggitt, F. R.
Harris, R.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Heathcoat, J.
Henley, J. W.
Henry, A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Hill, Lord M.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hollond, R.
Horsman, E.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, Sir R.
Hume, J.
Jervis, Sir J.
Kershaw, J.
Labouchere, rt. hon. H.
Langston, J. H.
Lewis, G. C.
M'Cullagh, W. T.
M'Gregor, J.
Maitland, T.
Mangles, R. D.
Martin, C. W.
Martin, S.
Masterman, J.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milnes, R. M.
Milton, Visct.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Norreys, Lord
Norreys, Sir D. J.
O'Brien, J.
O'Connell, J.
O'Connell, M.
O'Flaherty, A.
Ogle, S. C. H.
Osborne, R.
Paget, Lord A.
Pakington, Sir J.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pearson, C.
Peel, F.
Perfect, R.
Pinney, W.
Plowden, W. H. C.
Price, Sir R.
Reynolds, J.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roebuck, J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Shafto, R. D.
Simeon, J.
Smith, rt. hon. R. V.
Smith, J. A.
Smythe, hon. G.
Somers, J. P.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spearman, H. J.
Stanton, W. H.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Townshend, Capt.
Trelawny, J. S.
Tufnell, H.
Turner, G. J.
Tynte, Col. C. J. K.
Vane, Lord H.
Vesey, hon. T.
Vivian, J. H.
Wall, C. B.
Walpole, S. H.
Whitmore, T. C.
Willcox, B. M.
Williams, J.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyld, J.
Wyvill, M.
Young, Sir J.

TELLERS.

Mahon, Visct.
Nicholl, J. T.

List of the NOES.

Aglionby, H. A.
Archdall, Capt. M.
Arkwright, G.
Baillie, H. J.
Bankes, G.
Barrington, Visct.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Berkeley, hon. G.
Bernard, Visct.
Blackstone, W. S.
Blair, S.
Boldero, H. G.
Bremridge, R.
Broadwood, H.
Brooke, Lord
Buck, L. W.
Buller, Sir J. Y.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Clive, H. B.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Cole, hon. H. A.
Colvile, C. R.
Conolly, T.
Davies, D. A. S.
Disraeli, B.
Dod, J. W.
Dodd, G.
Duncuft, J.
Du Pre, C. G.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Floyer, J.
Fox, S. W. L.
Galway, Visct.
Gaskell, J. M.
Goddard, A. L.
Gordon, Adm.
Granby, Marq. of
Grogan, E.
Guernsey, Lord
Gwyn, H.

Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Harris, hon. Capt.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hildyard, T. B. T.
Hindley, C.
Hodgson, W. N.
Hood, Sir A.
Hornby, J.
Hotham, Lord
Keogh, W.
Knightley, Sir C.
Knox, Col.
Lewisham, Visct.
Lindsay, hon. Col.
Locke, J.
Lockhart, A. E.
Lockhart, W.
Lopes, Sir R.
March, Earl of
Maunsell, T. P.
Meux, Sir H.
Miles, W.
Moore, G. H.
Morgan, O.
Mullings, J. R.
Muntz, G. F.
Mundy, W.
Napier, J.
Neeld, J.
Newport, Visct.
Noel, hon. G. J.
O'Connell, M. J.
Packe, C. W.
Philips, Sir G. R.
Portal, M.
Renton, J. C.
Repton, G. W. J.
St. George, C.
Sandars, G.
Scott, hon. F.
Smyth, J. G.
Somerset, Capt.
Spooner, R.
Stanley, hon. E. H.
Stuart, H.
Stuart, J.
Talbot, C. R. M.
Taylor, T. E.
Thompson, Ald.
Thornhill, G.
Tyrell, Sir J. T.
Waddington, H. S.
Walsh, Sir J. B.
Williams, T. P.
Worcester, Marq. of

TELLERS.

Mackenzie, W. F.
Newdegate, C. N.

Debate adjourned till To-morrow.

House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, June 15, 1849.

MINUTES.] PUBLIC BILLS.—1^a Tenants at Rack Rent Relief; Attorneys and Solicitors (Ireland).

3^a Transportation for Treason (Ireland); Accounts of Turnpike Trusts (Scotland).

PETITIONS PRESENTED. By the Bishop of Worcester, from the Paddington and several other Unions, that Boards of Guardians may be Empowered to grant Superannuation Allowances to Poor Law Officers.—By the Earl of Harrowby, from Randwick, and several other Places, against the Granting of any New Licenses to Beer Shops.—From Bath, in favour of the Freemen's Lands Bill.—From Manchester, against the Bankrupt Law Consolidation Bill.—From Peasmarsh, against the Parliamentary Oaths Bill.

TRANSPORTATION FOR TREASON (IRELAND) BILL.

Order of the Day for the Second Reading, and for taking into consideration the Standing Orders Nos. 26 and 155, in order to their being dispensed with, read.

LORD CAMPBELL moved that the Bill be now read the second time.

Bill read 2^a.

The said Standing Order considered, and dispensed with; Committeee negatived.

Bill read 3^a, and passed, and sent to the Commons.

EXPLOSIONS IN COAL MINES.

LORD BROUGHAM presented a petition from the South Shields Association for the Prevention of Accidents in, and the better Ventilation of, Mines, praying for the adoption of measures to prevent explosions in coal mines. He begged to take that opportunity of explaining a matter, his remarks upon which on a former occasion had been misunderstood. He did not say that Mr. Watt had any invention upon the subject of ventilation in mines. Mr. Watt never pretended to have any such invention. But he did a very gallant and judicious thing. Finding it impossible to trust to the accounts given by persons who had been saved from accidents in coal mines, in consequence of their alarm or suffering having obscured their faculties, he was determined to see an explosion, and witness its effects himself; and he accordingly went down into a pit, and had the courage to be present at an explosion. He then came to the distinct belief that there was no possibility of preventing collections of fire-damp by natural ventilation, and that the only means of preventing explosions would be found in artificial ventilation. But he never pretended to have any invention for effecting the object. But had he attempted it, he (Lord Brougham) had no doubt he would have adopted steam as his agent.

SALE OF BEER ACTS.

The EARL OF HARROWBY rose to move for the appointment of a Select Committee to consider the operation of the Acts for the Sale of Beer. He said, that if he had persisted in his original intention of bringing in a Bill upon this subject, he should have felt it to be his duty to enter into it at considerable length; but, the more he considered the case, the more clearly did he perceive that the only effectual mode of dealing with the question was by the appointment of a Committee to collect evidence respecting it. A radical change was necessary in the present system; but, as it had now been in force for more than twenty years, he could not expect to induce their Lordships to agree to such a change without bringing under their consideration a vast accumulation of facts, which perhaps could not have their full weight unless they were previously ascertained to be facts by the sifting investigation of a Select Committee. There was, however, sufficient ground already laid for such an inquiry. The number of attempts which had already been made to alter the enactments of the Beer Acts, and the number of petitions which had already been presented against them during the present Session, were enough to prove the extent of the mischief which they had created, and the sense of the public respecting it. He should therefore refrain from making any statement upon the evil of the present system, and would merely move that a Select Committee be appointed to inquire into its nature, and into the best means of remedying it.

Lord MONTEAGLE said, that the question was one which required to be most carefully considered. They should take care not to be prejudiced by *ex parte* statements, nor easily induced to interfere with a trade in which such an enormous amount of capital was invested as had been invested in beer-shops since the passing of the Act of 1830. If his noble Friend had any intention of returning to the old principle of licensing public-houses, he must say that he could not agree with him; but if the inquiry were to be fair and ample, he would give it his best assistance, should his noble Friend think well of placing him upon the Committee. Their Lordships, however, should be upon their guard against the efforts made by the body of licensed publicans to prejudice the present law, it being so much to their interest to destroy the beer-shops.

The Earl of HARROWBY said, he would not call a witness before the Committee who had been proffered or suggested by a licensed victualler. He assured their Lordships that he was not himself in any way connected with that body.

The Marquess of LANSDOWNE assented to the Motion, but he declined to give any opinion on behalf of Her Majesty's Government as to the expediency of any alteration in the law, either as a matter of police or public morality.

Motion agreed to; Committee appointed.

FRENCH EXPEDITION TO ROME.

The Earl of ABERDEEN reminded the noble President of the Council that he had promised, a few days ago, to bring down to the House at its next sitting the communication of the French Government to Her Majesty's Government explanatory of the object of its expedition to Rome. That communication had not yet been presented to their Lordships, and he now asked the noble Marquess when he intended to present that document?

The Marquess of LANSDOWNE, in reply, said that he had rather expected to have that question put to him in the course of the present evening. After the discussion of the former evening, to which the noble Earl had alluded, he (the Marquess of Lansdowne) had lost no time in communicating with his noble Friend the Foreign Secretary on the subject; and he now felt himself justified in stating that he should be prepared to lay upon the table within a very short time the documents to which the noble Earl referred. But one of those documents would not be presented *verbatim;* for he felt that it would be an improper proceeding at this moment, and under circumstances to which there was no need for him to allude further, to publish *in extenso* the document which had been communicated to us by the French Government, without first making a communication of our intention to publish it to the French Government. He had no hesitation in repeating—and with greater accuracy than he had used when he last addressed their Lordships—that the general purport of that communication, which described the object of the expedition to be sent to Civita Vecchia, was this—that the expedition was intended to secure the equilibrium of nations, the independence of the Italian States, and the security of the population of Rome from either the evils of anarchy or the dangers of a sudden reaction. This was stated at great length; but the substance of the communication was such as he had just mentioned. From what passed in the last conversation which took place on this subject in the House, the House was undoubtedly entitled to know the general views entertained by the French Government in their plan for settling order in a country where order was seriously endangered, and, more particularly, for settling it by the restoration of the Pope. He had no doubt that he should be able to lay those papers on the table on Monday next; but their Lordships must not expect to find in them a history of all the negotiations, for such a history would involve transactions which were now pending; but they would be sufficient to put their Lordships in possession of the proceedings of Her Majesty's Government for the restoration of order in Rome.

The Earl of ABERDEEN had no wish to press for the production of any papers which the noble Marquess might think it improper to produce; but he thought that their Lordships and that the country had a right to know the reasons why so large a force of French troops, amounting to

30,000 men, was now stationed in the territories of the Roman States. It was for the noble Marquess or for some Member of Her Majesty's Government to explain the reasons, either from their own stores of knowledge or from the communications of the French Government; for it was unreasonable to suppose that either their Lordships or the country could be satisfied at seeing a French force of that magnitude employed in the centre of Italy, without having some documents to explain why it was there, and what were its objects. When their Lordships had the papers which the noble Marquess had promised, they would be able to ascertain how far the explanation of the French Government was satisfactory. On a former occasion the noble Marquess had said that the explanation of the French Government had met the assent of Her Majesty's Government, or at least that it was not disapproved of by them. Sufficient explanation must therefore have been given by the French Government to secure the assent of Her Majesty's Government. If so, their Lordships had a right to know the premises upon which that assent was founded. He supposed that before Her Majesty's Government acquiesced in such an expedition, they must have known its object.

The Marquess of LANSDOWNE wondered where the noble Earl had discovered any speech or document in which Her Majesty's Government had given their assent to the French expedition. No such assent, if by assent was meant approbation, had ever been given by Her Majesty's Ministers. He supposed that the noble Earl must have derived such a notion from a casual phrase in the speech of the President of the French Republic, wherein he spoke of the Government of France having always been "in agreement" with that of England. Undoubtedly such an agreement had existed between the two Governments, and he was proud of its existence. He would remind the noble Earl that another foreign Government had also interfered in the affairs of Rome with a military force. Why had not the noble Earl asked for an explanation of the reasons which had induced it to interfere? He (the Marquess of Lansdowne) would not say that the time had not arrived when it was expedient to demand such an explanation from Austria, as well as from Naples and Spain.

The Earl of ABERDEEN, in reply, observed, that in his former speech he had adverted to the words used by the noble Marquess when he said that the Government had not disapproved of the French expedition to Civita Vecchia. If the Government had neither approved nor disapproved of such an expedition, but viewed it with indifference, that was one view of the question; but when the noble Marquess said that he did not disapprove of the expedition, he concluded that the noble Marquess approved of it. The noble Marquess had given an explanation of the agreement subsisting between the two Governments of England and France. He (the Earl of Aberdeen) rejoiced much in the good understanding subsisting with the French Government, and he would therefore venture to recommend the noble Marquess to make use of that good understanding, and give the French Government this piece of advice—that in future, when it sent forth an expedition of which it was either afraid or ashamed to avow the object, it would be as well to let it alone.

The Marquess of LANSDOWNE was understood to say that the President of the French Republic had never stated that we had assented to the French expedition to Civita Vecchia. It was just as true to assert that he (the Marquess of Lansdowne) had declared his assent to it. Neither the one nor the other of them had done any such thing. The noble Earl had misrepresented his words somewhat strangely. What he had said was totally different from a declaration of assent. He had said that Her Majesty's Government had not raised any obstacle to the sailing of that expedition. It was singular that the noble Earl had forgotten that expression; for on a former occasion he had commented rather smartly on the use of that word "obstacle." He (the Marquess of Lansdowne) was therefore not a little surprised to find the noble Earl now construing the word "obstacle" into assent. That assent he had never given. To call on the French Government for any explanation on this subject now, would, in his opinion, be extremely improper; for he thought that we ought not to do anything at this moment which could tend to the embarrassment of that Government. What he was prepared to say on this subject was, that at the proper time we must ask for an explanation—which we had not yet demanded either of the French Government, or of the Austrian Government, or of the Neapolitan Government—of the motives which had induced each of them to send an armed force into the Roman States.

Lord BROUGHAM concurred with the noble Marquess in thinking that we ought to abstain at present from doing anything which was likely to embarrass the French Government. That Government had enough upon its hands at present, and we ought not to add to its embarrassments, especially when we considered that the present stalking-horse for rebellion in Paris was the expedition to Rome. He admitted that it was difficult to comprehend the motives which had dictated that expedition. One of its alleged objects was to help the Roman people; and yet to send 30,000 men to storm Rome was an odd way of helping its inhabitants. Nothing more unlike a Government than that of which M. Mazzini was the head, could well be imagined; and yet another alleged object of the expedition was to relieve the Roman people from the government of that individual. All these considerations increased the inconvenience which their Lordships experienced in not having these documents before them. Austria, Naples, and Spain were placed in a different position from that in which France stood as to this Roman intervention. Austria never denied that it was her intention to restore the Pope. Naples never denied it. Spain never denied it. France did not deny it; but she took measures to render the intervention of Naples at any rate unsuccessful. The Neapolitan troops had advanced against Rome, but, in consequence of the temporary armistice made between the Romans and the French troops, had been beaten back, leaving, as it was said, the field of battle covered with their dead. Now, that the Neapolitans should cover any field with their dead bodies, unless they were acting under the command of Bonaparte or one of his marshals, was rather a startling novelty. He had therefore made inquiry into the fact; and he found that two Neapolitan stragglers had been killed, and that one Neapolitan had been left wounded on the field before the rest of their army went their way. The reason why they went away was justifiable enough. They had not from France the support which it was stipulated at Gaeta that they should have, and the consequence was that they were ordered to retreat.

The Marquess of LONDONDERRY sincerely regretted that the noble Baron had brought forward the question at all; for, although he agreed nearly on every point with the noble Earl near him; yet, in the peculiar circumstances of France at this moment, it would be a wiser policy to refrain from any discussion in that House which might have a tendency to agitate public opinion in that country. Hitherto, during the present Session, their Lordships had abstained from any discussion on the affairs of France, because they felt that the maintenance of the peace of Europe depended on the good understanding of the two nations. For the last two weeks a Government in France had scarcely been in existence, owing to the rapid changes arising out of the gathering of the new Assembly. He, therefore, looked upon the present discussion as premature; and yet in their Lordships' House questions had been put to the noble Marquess which the President of the French Republic himself would find a difficulty in answering. He confessed he did not think the French Government itself could precisely say what were or what would be the intentions of France with respect to the expedition now going on. The original cause of the expedition they had yet to learn; it was not yet before the country or the world, and all Her Majesty's Government could do at this moment was to give an opinion upon the subject. Indeed, they hardly knew in what state France herself would have been if it had not been for the loyalty of her army and the prudence and firmness of the President of the Republic. The French army had not deceived him. He was certain that the *esprit de corps* would keep them true to their colours. He then once more declared that he should have been better pleased if the noble Baron had not put his questions on this subject, and if their Lordships had abstained from expressing any opinions which might influence the decision of the President of the French Republic, who was sincerely desirous of maintaining order and tranquillity in his own country, and of keeping peace with Great Britain and all the world.

The Marquess of LANSDOWNE was able to communicate to their Lordships a document which would make this case quite intelligible. He had just received the papers which he had promised to lay on the table, and he now placed them there for the information of their Lordships.

The Earl of ELLENBOROUGH said, that it was quite clear that the first communication of the French to the British Government could only contain the reasons why it was sending an expedition of 6,000 men to Civita Vecchia; for it was quite certain that it had made no provision at the time for increasing the amount of that force. That was a state of things very different from the present; and he apprehended that the communication of the French Government in the first instance had no reference to the circumstances which existed now. What he wished to ask the noble Marquess was this —did the French Government make any communication to ours when the expedition underwent so great a change as it did when it was increased to 30,000 men? The French Government never could have intended to enter Rome by force when it sent only 6,000 men. It was evident that its original idea was, that their troops would only have to show themselves at the gates of Rome to be admitted as friends. But "a change came o'er the spirit of its dream" when General Oudinot was repulsed, and the introduction of his troops was resisted. The French Government then determined to send an army to Rome, which had an army sufficiently numerous to make a stout resistance. If it should now get into Rome by force with an army of 30,000 men, its position would be very different from that which it held when it endeavoured to march in with only 6,000 men. What he wanted to know was, whether the French Government, when it determined to send to Rome a hostile force of 30,000 men, made any new communication to our Government?

The MARQUESS of LANSDOWNE was not prepared to debate the reasons why an expedition in which we had no participation was sent out by a foreign Government. It had been sent out with a large discretion left to its commander. With the difference in the amount of the force, and with its ulterior measures, we had nothing to do; that was, as to the mode in which it might conduct its proceedings. With regard to the question asked by the noble Earl, he had only to say that we had had no formal communication from the French Government on this subject, save in conversation, since the first communication to which he had alluded. The Government had had its attention constantly directed to the expedition, but we had not yet demanded any explanation of its proceedings.

CONSULAR EXPENDITURE ACT AMENDMENT BILL.

EARL NELSON moved the Second Reading of this Bill. He was at a loss to know on what ground the Government were to oppose the Bill; for he found that the principle of it had been admitted by the noble Viscount the Secretary of State for Foreign Affairs; and the only difference between them, therefore, could only be as to the manner in which that principle could be carried out. The principle of the Bill was, that chaplains attached to consular establishments in foreign parts ought to be placed under episcopal control, and that a license ought to be granted to them in order to show that they were under such control. The provisions of the Bill had no retrospective character, and, therefore, would not affect the Madeira case; and as he was ready to consent to any amendment that would not impair the principle of the Bill, he hoped there would be no objection to read it a second time.

The MARQUESS of LANSDOWNE was sorry to be under the necessity of opposing the second reading of the Bill; but he felt bound to do so upon the simple ground that no Parliamentary case had been made out in its favour. By the Act passed in 1825 for regulating the consular expenditure, the appointment of the chaplains was vested in the Crown, and power was given to the Secretary of State to grant additional stipends out of monies annually voted by Parliament for the purpose, and this power had since been regularly exercised by Her Majesty's Secretary of State for Foreign Affairs (as representing the Crown) solely upon his own responsibility; and, so far as he was aware, no charge had ever been made against him of abusing the confidence so placed in him. The effect of this Bill, however, would be to interfere with the exercise of that authority. Besides, he begged their Lordships to observe, that no British prelate had, or could possibly have, any jurisdiction in a foreign country. It was true that his noble Friend the Secretary of State for Foreign Affairs had been in the habit of consulting the ecclesiastical authorities in this country on the appointment of foreign chaplains; but this could form no ground for recognising their jurisdiction over them. As well might it be said, that because the Lord Chancellor was in the habit of consulting the right rev. Prelates on the exercise of his ecclesiastical patronage, the control of the right rev. Bench should therefore be recognised by the law of the land. Indeed, such a demand would be much more reasonable than the other, because it would be only extending an existing jurisdiction; but in the case of foreign chaplains, it would be conferring a jurisdiction where at present none existed whatever. His noble Friend (Viscount Palmerston) was in the habit, as he had said, of consulting the high ecclesiastical authorities of this country — namely, the highest ecclesiastical authority of all—with respect to the fittest persons to fill the ecclesiastical appointments in his gift. He had no doubt that he would continue the practice; and, therefore, he saw no ground whatever for altering the existing law. He begged, therefore, to move that the Bill be read a second time that day six months.

The Bishop of LONDON, after expressing a hope that the noble Earl would not press his Motion for the second reading of the Bill to a division, said, that the remarks which had fallen from the noble Marquess made it absolutely imperative upon him to say a few words in reply. The remarks of the noble Marquess amounted to this, that no English clergyman, officiating to an English congregation in those parts of the world which were not by law placed under the spiritual care of an English bishop, was subject to any ecclesiastical jurisdiction whatever. Now, if so, surely this was an anomaly which ought not to be allowed to continue. He believed that by law such clergymen were not subject to any ecclesiastical jurisdiction; but, certainly, the practice of the English Church had been to consider all such clergymen as being under the spiritual jurisdiction of the Bishop of London; and though, for his own part, he had no desire to exercise that authority, except in so far as he considered it to be necessary for the efficiency of the English Church that such clergymen should be placed under the jurisdiction of some bishop, yet he admitted that, in accordance with the universal sense and the invariable practice of the English Church, he did assert spiritual jurisdiction over such clergymen; and he hoped that no *dictum* of a lay Member of that House would induce any clergyman so situated to consider himself as emancipated from a jurisdiction to which he was bound to submit; for if he did not submit to that, he could submit to no other; and he did not imagine that any conscientious clergyman would desire to be under no spiritual jurisdiction whatever. He was unwilling to refer at any length to the case of Madeira; but as that was a case which had given rise to the peculiar interest at present felt on this subject, he felt it necessary to trouble the House with a few details. A very excellent and respectable clergyman, who had officiated in Madeira for twenty years, thought it necessary to practise a stricter adherence to the rubric of the Church of England than he had formerly been in the habit of doing. This had the effect of giving offence to one part of his congregation, while it greatly pleased another. An appeal having been made to him (the Bishop of London) for the exercise of his jurisdiction over the chaplain, he carefully considered the whole subject — for he had memorials presented to him by both parties — and the result of his deliberations was, that he thought the chaplain wrong in some instances, and right in others. He believed their Lordships would consider this as some mark at least of impartiality. This equal-handed justice, however, did not content either party; and instead of doing that which in such cases was obviously consistent with the principles of the Church, namely, applying to a still higher ecclesiastical authority, to which he was sure one of the parties at least would willingly have submitted—he meant the Primate of England—they applied to the Secretary of State for Foreign Affairs. That noble Lord communicated with him, and they had some friendly conversation on the subject. He (the Bishop of London) explained the embarrassment in which he felt himself to be placed, and of which the noble Lord seemed fully aware; and he said he would try and cement the differences without having recourse to any strong measures. He received an assurance from the noble Lord that no measure would be taken by him without first communicating with him. He strongly felt the inconveniences arising from the discontent existing among the English residents in Madeira, and was anxious to do everything in his power to remove that discontent; and it was while meditating some such measure that he received an intimation from the Foreign Office that a despatch had gone out to the consul at Madeira, empowering him to call a meeting of the congregation, and giving them authority, if they were dissatisfied with the chaplain, at once to cashier him. He asked their Lordships, as gentlemen, and as members of the Church of England, whether it was not his duty, as the bishop of that clergyman, to do what he could to defend him from such unworthy treatment as to allow his congregation to pass a vote of censure upon him, and dismiss him, while his case was pending before his ecclesiastical superior? He (the Bishop of London) remonstrated against the proceeding, but he found that he was too late. Then arose the question whether he would revoke the license of the clergyman thus dismissed, and grant a new license to a successor. He felt that it was out of the question to revoke the licence of a clergyman who had committed no offence, more, at least, than an error of judgment. He could have prevailed upon him to resign; but as he had been thus ignominiously thrust out, he felt that it would have been an aggravation of his punishment to withdraw his licence. So the case stood at present. With reference to the Bill of the noble Earl, he repeated his hope that he would not press the matter to a division, because he did still hope that some plan would be arranged for securing a proper system of episcopal jurisdiction in such cases; and he should be sorry to see their Lordships and the Government distinctly pledged to a denial of the principle. In conclusion, he begged to say that he had hitherto done his best to assist the Secretary of State for Foreign Affairs in the sometimes difficult, and generally troublesome, task of selecting, or at least of approving, of clergymen fitted to fill the office of foreign chaplains; and until this unfortunate case, there had never been the least difference or misunderstanding between the Secretary of State and himself. He appealed to the noble Earl opposite (the Earl of Aberdeen) whether he had not always experienced from him the readiest assistance, and whether he had ever witnessed any attempt to infringe the Royal prerogative? Until the present unfortunate case, there never had been the slightest difficulty or misunderstanding between him and any Foreign Secretary on this subject. He had no intention or desire whatever to interfere in any way with Her Majesty's prerogative; but feeling that there was no ground for revoking the licence, he could not conscientiously do so, though at the same time he admitted that there might be motives of expediency, rendering it desirable that the reverend gentleman should be removed from his chaplaincy. He did not think that the House should be called upon to decide either one way or the other on this question.

The Earl of MINTO said, that the right rev. Prelate and noble Lords opposite seemed to forget that the Established Church of England was not the only established religion in the British empire, and that there was another part of the country where there was a different religious establishment, which shared with the Church of England in the advantages belonging to that character. By the Act of 1825, conferring upon the Foreign Secretary the power of contributing to the salaries of foreign chaplains, authority was given to make grants to clergymen of the Church of Scotland as well as of the Church of England. The effect of this Bill, therefore, would be to place ministers of the Church of Scotland so situated under the superintendence of the Bishop of London. If it was not so, he had misread the Bill.

Earl NELSON said, he did not intend the Bill to have such an effect.

The Bishop of LONDON said, he had not the slightest desire to exercise any jurisdiction over ministers of the Scotch Kirk.

Lord EDDISBURY, who spoke with his back towards the reporters' gallery, was understood to say that before the Seretary of State for Foreign Affairs could interfere in this matter, it was necessary that a meeting of the congregation should be held, and a certain sum subscribed as a part of the salary of the future chaplain. The voting of that sum was an indispensable condition to be complied with before the Crown could interfere; but the Crown had then a right to grant an additional sum, and to appoint a chaplain. But if the congregation refused to vote their part of the salary, the chaplain would be left unprovided for; and it would be absolutely necessary for the Secretary of State, if he desired such congregation to have the benefit of religious ordinances, to make a new appointment. In the case of Madeira, the congregation, by a large majority, agreed to discontinue the salary of the chaplain, and therefore the Foreign Secretary could not continue the grant on the part of the Crown. It was under these circumstances, and not until a year had elapsed after the congregation had presented a memorial to the Queen to take the case into consideration, and provide a proper minister for them, that his noble Friend (Lord Palmerston) requested them to recommend a clergyman for his nomination. The congregation declined to recommend any one, on the ground that their feelings might be considered to be biased in the matter; and therefore his noble Friend was obliged to select one himself, which he did upon the recommendation of the Bishop of Ripon. The right rev. Prelate who had just addressed the House (the Bishop of London) was then asked to do what he had always done in similar cases—grant a license to the clergyman so selected. The right rev. Prelate, however, refused under the circumstances to grant a license. He begged their Lordships to observe, however, that if a refusal of this kind were to be allowed to operate as a bar to such appointments, it would be a restriction and a clog upon the Crown in the exercise of its undoubted prerogative to dismiss those chaplains for any reason it thought proper. The right rev. Prelate had said that the practice of the Church had been to regard all such clergymen as being placed under the spiritual jurisdiction of the Bishop of London. He begged to read to their Lordships some sentiments of the right rev. Prelate to a very different effect. [The noble Lord here read extracts from two letters, written by the Bishop of London some years ago, in which he declared that he held no jurisdiction over foreign chaplains, and that his license to them was nothing more than a certificate to the Government on the one hand, and the British residents on the other, that the chaplain so licensed was qualified to perform the duties of the office to which he had been appointed.] The bishop's license had always hitherto been considered as concurrent and co-existent with the appointment. If it was not so, it would be placing the Bishop of London over the Secretary of State for Foreign Affairs. In this state of things, his noble Friend (Viscount Palmerston) had been obliged to fall upon the original practice sanctioned by law, that practice being, that both the appointment and the power of dismissal should be vested in the Secretary of State, without the interference and control of any one whatever. This was in precise analogy to other cases. In the case of chaplains in the Army and Navy, no license was required from the Bishop of London, or from any other episcopal authority. There was the original ordination of the clergyman, which was a test of at least the original orthodoxy of the individual; but there was nothing more. Under all these circumstances, he held that no case had been made out in favour of the present Bill, and he hoped their Lordships would not give their consent to it.

The BISHOP of LONDON said, that the statements of the noble Lord did not at all affect the statement he had made, neither did the letters which had been quoted differ from his sentiments on the present occasion. He had never asserted that he had any legal claim to spiritual jurisdiction, properly so called, over foreign chaplains; but after giving a license, whatever character was to be attached to it, it was clear that he could not revoke that license without being satisfied in his conscience that the chaplain had done something deserving of censure. He was most anxious to assist Her Majesty's Secretary of State to the utmost of his power in regulating the proceedings with regard to foreign chaplains; but until an Act of Parliament were passed, formally removing this jurisdiction from the Bishop of London, he should consider any interference with that jurisdiction as an invasion of his province.

The MARQUESS of LANSDOWNE said, that as importance was attached to some observations which had fallen from him, as conveying an impression different from that which they were meant to convey, he wished to say only that there was no difference between the right rev. Prelate and himself. He had not said that a clergyman stationed as a chaplain abroad was not in any sense under the jurisdiction of the bishop. There might be that peculiar sort of jurisdiction which he derived from the authority of his office, and founded upon the opinions, principles, and habits of the clergyman himself; but what he (the Marquess of Lansdowne) had said was—and the right rev. Prelate had confirmed him in it—that he had no jurisdiction which he could exercise and enforce against a chaplain abroad.

The BISHOP of SALISBURY thought that a measure of this sort would compel those who had the power of appointment and dismissal to exercise due consideration, and to consult with that authority, with whom concert would then be necessary, before they proceeded to dismiss a chaplain; and he could not see why inconvenience should arise from the possession of this power by the bishop in the case of foreign chaplains, when it had not arisen in the case of chaplains to gaols. Under existing circumstances, however, he hoped that the noble Earl would not press his Motion to a division.

LORD REDESDALE fully believed that if the Bishop of London had had the power which the Bill would confer, the single instance of the Madeira chaplain would not have occurred, because a communication would have taken place between the noble Lord and the right rev. Prelate, which would have avoided the occurrence. He, therefore, was very anxious that such a Bill should pass; but he entirely concurred in the reasons which had induced others to recommend his noble Friend to withdraw the Bill at present. Opposed by the Government, it was quite impossible that an individual Member of Parliament should be able, at that period of the Session, to carry it through the other House.

Earl NELSON said, that after the intimation of the opinion of the House, he would consent to withdraw the measure.

Amendment, by leave, withdrawn; original Motion, and also the Bill, by leave, withdrawn.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 15, 1849.

Minutes.] Public Bills.—1° Transportation for Treason (Ireland); Protection of Women; Turnpike Trusts Union; Poor Law Union Charges Act Amendment.

Petitions Presented. By Lord John Russell, from the City of London, for the Adoption of Universal Suffrage.—By Mr. George Hamilton, from the Diocese of Raphoe, for an Alteration of the Church Temporalities (Ireland) Act.—By Mr. J. Ellis, from Leicester, for the Marriages Bill.—By Mr. Baring Wall, from several Parishes in London, against, and by Sir De Lacy Evans, from the Parish of St. James, Piccadilly, in favour of, the Sunday Trading (Metropolis) Bill.—By Mr. P. Miles, from the House of Assembly, Jamaica, for Relief for the West India Colonies.—By Mr. Cardwell, from Liverpool, for the Repeal of the Duty on Attorneys' Certificates.—By Sir Joshua Walmsley, from Netherton, respecting the Lancashire County Expenditure.—By Mr. Lacy, from the East Anglian Railways Company, respecting Taxation of Railways.—By Mr. Disraeli, from Chelmsford, for Agricultural Relief.—By Viscount Duncan, from Bath, for the Bankruptcy Laws Consolidation Bill.—By Mr. Wodehouse, from Norwich, for an Alteration of the Law respecting Education.—By Mr. Pearson, from Lambeth, for the Establishment of Home Colonies; also against the Removal of Smithfield Market.—By Mr. Masterman, from Proprietors of Hotels, &c. in London, complaining of Burthens.—By Mr. W. Brown, from the Proprietors and Editors of the Liverpool Mercury, respecting the Mails.—By Mr. Alexander Matheson, for the Police of Towns (Scotland) Bill.—By Viscount Palmerston, from Tiverton, for an Alteration of the Poor Law.—By Mr. Pole Carew, from the St. Germans Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Heald, from Carnarvon, for the Suppression of Promiscuous Intercourse.—By Mr. Moody, from Winsham, Somersetshire, for an Alteration of the Sale of Beer Act.—By Mr. Bulkeley Hughes, from Carnarvon, for an Alteration of the Small Debts Act.

THE COLONIES—SUGAR DUTIES.

Mr. DISRAELI presented a petition from Tobago, stating that the planters of that colony had suffered severely from the Sugar Duties Bill, which had exposed them to unequal competition with slave-growing producers of sugar, and praying the House to take their condition into consideration.

Sir J. PAKINGTON rose to present a petition from the House of Assembly of Jamaica, and also a petition from the West India body in this country, complaining of the present position of the colony owing to the colonial legislation and the British Parliament. [The hon. Gentleman was stating the purport of the petition, which alleged that the petitioners were under risk of utter ruin, when he was interrupted by cries of "Order, order!" (the rule on presenting petitions being, that Members may state the purport and the prayer of the petitioners).] If he were not allowed to take the usual course, he should certainly move the suspension of the Standing Order which prohibited unrestricted speaking on the presentation of petitions. [Mr. Roebuck: You cannot do that without notice.] He said that he should then, if further interrupted, move that the petition be read by the clerk at the table; and as it was very long, he thought the House had better permit him to state the purport of it.

Mr. SPEAKER referred to the rule, and intimated that the hon. Member might take that course.

Sir J. PAKINGTON then proceeded to state that the petitioners represented that the compulsory emancipation of the negroes had been enacted upon three express conditions: first, there should be full pecuniary compensation to the planters; secondly, that there should be a corresponding exclusion of slave-grown sugar; and, thirdly, that there should be full liberty allowed to the colonists to procure free labour for the cultivation of their land. The petitioners stated that all three of these conditions had been disregarded and violated; for that, first, though official commissioners had valued the slaves at 43,000,000*l.*, the compensation only amounted to 16,000,000*l.*; then, secondly, that the colonists had been exposed to unfair and unequal competition with the producers of slave-grown sugar; and, thirdly, that the colonists had been prevented from procuring free labour, and encountered insuperable difficulties on that account. The petitioners particularly complained of the fatal effect of the Act of 1846, the Sugar Duties Act. They also alleged that the prices of sugar had thus been reduced so low as to be unremunerative; and the professed permission to procure free labour had been rendered practically inoperative by the restrictions imposed by the Government upon immigration of free labourers into the colony. The petitioners therefore stated, in conclusion, that though they did not question the right of the British Parliament to alter any fiscal regulations, or effect any change in the public policy of the empire affecting them in common with others of its subjects, they submitted that it was inconsistent with justice first to emancipate the slaves of the colony, and then to compel the colonists to compete with the producers of slave-grown sugar, unless so contradictory a policy were accompanied by adequate compensation, not only for the value of the slaves, but for the depreciation of colonial produce; as otherwise the effect must be as completely to destroy the planter's property as if it had been actually confiscated. The petitioners therefore, prayed that the House would take the premises into consideration, and grant them such relief as they justly required.

Petitions laid on the table.

CANADA—EXPLANATION.

MR. ROEBUCK said: I am anxious to throw myself on the House for that indulgence which they are always exceedingly kind in extending to those who, like myself, have had the misfortune to have their private and personal relations brought before them. That misfortune, however, has happened to me from no fault of mine; and, therefore, while I throw myself on the indulgence of the House, I ask them to recollect that I have been forced to it by no act of my own. When I repelled an imputation on myself, in the course of last night's debate, in consequence of the acts of others, I was anxious not to mix up that refutation with anything else; but I hoped I might have an opportunity of explaining to the House the imputation itself, which rests on one who was connected with me by ties which no longer exist, but which were of such a nature that the most reverential feelings I have compel me to watch over his honour as I would watch over my own. It so happens, then, that I am obliged to speak of myself and of my relations. It is a thing I am sure the House will do me the justice to say I am not prone to. As it happens, the transactions to which the hon. Member for Bridport alluded last night were to me utterly unknown for years after they had occurred, for I had not been in that relation in which perhaps I ought to have been with those of whom he has spoken. The line of politics I took was decidedly opposed to that of the person alluded to; for while I appeared here as the advocate of Canada, my friends were among the loyalist party in that country. It was imputed to that relative of mine by the hon. Member, that he had taken money for the arrest of a person of whom he had spoken well afterwards, being at the time a Member of the House of Assembly. The facts are these:—My relative, the gentleman alluded to, was a gentleman high in command of the militia. M. Girouard, a person of the highest character in Canada, and I believe a member of the legislature, was, in the height of the excitement of the rebellion in that country, most unjustly charged with high treason. A writ was issued against him. He, in great alarm, in consequence of the excitement which prevailed, and of the terror caused by bands of what I can only term ruffians from the other province, frightening the mild and gentle inhabitants of Lower Canada—went to the house of my relative late on a winter's night, and claimed his protection. He received it. M. Girouard was taken into the house of my relative. He was sheltered for the night, and treated as one of the family. Next day, at his own request, he went into Montreal, under the direct personal protection of the gentleman who had received and sheltered him the night before; and when arrived there, he was safely placed from all harm, having gone of his own will to the authorities of the town. When they first came to Montreal, they discovered 500*l.* had been offered by Government for the apprehension of M. Girouard. As I have said, my relative was in the direct service of the Crown, not only trusted by every Governor up to that time, but by every Governor since. He is not now in Canada. Well, he said openly at the time, "I intend to take this money." He did take that money, and I am bold to say he applied it to charitable purposes, and that he has not by so doing forfeited either the respect of the constituted authorities or of the people among whom he lived. It so happened that, being in the House of Assembly when the name of M. Girouard was mentioned as being appointed to office by the Crown, my relative got up and spoke highly of him. And then Sir Alan M'Nab rose to ask him if he had not received 500*l.* for M. Girouard's apprehension? The answer was "Yes," and there the matter rested. I hope the House will accept this explanation; and, however unhappy I may be in being forced to make it, I have learned one thing from the effect of last night's debate, that—as the only object of such an imputation could be to give me pain—in the words of the proverb, which was then fulfilled, "the wicked"—but more especially the intellectually wicked—"are always cruel."

Mr. B. COCHRANE: I hope that indulgence will be extended to me by the House which they gave to the hon. and learned Member, though he had not the courtesy to inform me of his intention to bring this matter before them. The House will remember that what I stated was, that Messrs. Baldwin and Lafontaine, and several others, had been accused of high treason, but were now allowed to hold office. I said, in confirmation of my opinion of Messrs. Baldwin and Lafontaine, that a man publicly accused of rebellion for his reward had been placed in office of high confidence by the Government; and I then mentioned precisely the same facts as those stated to-day by the hon. and learned Member. I stated that a gentleman, a relative of the hon. and learned Member, had received a reward of *500l.* for the arrest of M. Girouard, and afterwards made a complimentary speech when he was appointed a commissioner of Crown lands. I don't know why the hon. and learned Gentleman comes to attack me for that. If I am called upon to answer the hon. Member in regard to the slur he has thrown upon me, all I can say is, that he will hurt no man's fame with his ill word.

Subject at an end.

EXPLANATION—MR. BROTHERTON AND MR. BANKES.

Mr. BROTHERTON said, that, seeing the hon. Member for Dorsetshire in his place, he wished for an explanation of the language he had applied to him on the previous evening. Some men had great courage towards those who were not in a position to resent their affront, and very little towards those who were in that position. ["Order, order!"] He did hope the House would throw its protection over him—as he was one who did not fight—and not permit imputations to be cast upon him which he utterly disavowed. He could conscientiously say, that during the time he had been accustomed to move the adjournment of the House, it had always been his desire to act impartially towards both sides of the House. And yet the hon. Gentleman had described him as the subservient tool of the Government. He hoped the hon. Gentleman was prepared to retract that expression.

Mr. B. OSBORNE asked whether the present would not be a good opportunity of testing the value of the proposition submitted to the House the other evening, by referring the case to arbitration?

Mr. BANKES quite agreed with the hon. Member for Middlesex that that would be the best way. He assured the hon. Member for Salford that at the time he made the observation of which he complained, he (Mr. Bankes) was not aware that he did not fight; and since he had heard it he had a greater respect for him than before, if that were possible. But as the hon. Gentleman did not persevere in the adjournment, his (Mr. Bankes') observation fell to the ground. He said, that if the hon. Gentleman did persevere, he should look upon him as the tool of the Government. The hon. Gentleman did not persevere, and therefore the observation did not apply to him.

Subject at an end.

MILITARY ETIQUETTE.

Sir DE LACY EVANS rose to put the following question to the right hon. Gentleman the Secretary at War. He wished to ask, in respect to retired officers of the Army who had received medals for services in the war, whether any order or prohibition exists against their wearing at Royal levees or other public occasions the uniforms which they bore in the performance of the services thus graciously distinguished by the grant from Her Majesty of a war-medal; and if any such prohibition does exist, whether there will be any objection to relax it in the case of individuals who may have received medals?

Mr. FOX MAULE replied, that the rule was, that officers of the rank of full colonel, or who had received the decoration of the Bath, were allowed to wear their uniforms on the occasion in question; but that officers under that rank, or not so decorated, were considered when they sold out to have definitively left the Army, and were therefore prohibited from wearing their uniforms upon the occasions in point.

Sir DE LACY EVANS, considering the reply to be evasive and unsatisfactory, gave notice that he would call the attention of the House to the subject.

Subject dropped.

SMITH O'BRIEN—THE IRISH CONVICTS.

MR. NAPIER asked if the noble Lord at the head of the Government would have any objection to lay before the House a copy of the document commuting the sentence of death signed by the Under Secretary of State in Ireland, which had been read to Smith O'Brien and the other parties convicted of treason.

SIR G. GREY said, he had no objection whatever to lay on the table of the House the document which had been read to the prisoners under sentence of death, intimating to them that mercy would be extended to them upon condition of transportation for life. No formal document commuting the sentence of death existed; consequently, those persons were now under sentence of death uncommuted, they having refused to accept the commutation.

MR. F. FRENCH hoped that the document, whether conditional or unconditional, would be laid on the table before the Bill now in progress through the other House came before them.

Subject dropped.

SUPPLY—CANADA.—ADJOURNED DEBATE.

The House then went into Committee of Supply; Mr. Bernal in the chair.

Order read for resuming the Adjourned Debate on the Amendment proposed to be made to the Question (14th June).

DR. NICHOLL began by saying that he perceived a great inconsistency running through the speech of the noble Lord the First Minister of the Crown, on the previous evening; for the noble Lord, in the first place, contended that to inquire in 1849 into the conduct of persons in 1837, with respect to their share in the Canadian rebellion, would be an act worthy only of the Star Chamber; and the noble Lord then went on to say, that he would not give his assent to this Bill, or take any steps towards the sanction of the Crown being given to it, until he had received the instruction which the Earl of Elgin was to address to the commissioners under the Act, and which instructions the noble Lord said he was assured would have the effect of excluding from participation in any compensation persons who had been guilty of rebellion. But when the noble Lord was pressed by the right hon. Gentleman the Member for Stamford to give a pledge that sanction should not be given to this Act until he had become assured that compensation would not be given to persons engaged in the rebellion, the noble Lord declined to give that assurance. The hon. and learned Attorney General, also, had been challenged to give an opinion whether it was possible, under the words of the Colonial Act, to exclude from compensation persons other than the two classes of persons specified in the preamble of the Act. The two classes of persons consisted, in the first place, of those who had been convicted of treason in the due course of law; and, in the next, of persons who, having given themselves up into the custody of the sheriff, suffered transportation. What he should like to hear from the Attorney General was, whether the Crown could qualify this Act in any manner, and also whether the Earl of Elgin, in virtue of his authority as Governor, had power to vary the instructions specified in the Act. He could not see what objection there could be to the institution of an inquiry as to whether persons claiming compensation had been implicated in the rebellion or not. Lord Metcalfe, in 1845, had clearly intended such an investigation, for he spoke of the "losses suffered by loyal subjects in the course of the rebellion;" and it was clear that he had meditated an inquiry as to whether the claimants were loyal to the Crown. No hardship could attend such an investigation. By the words of the Act, none were excluded but those who had actually been convicted of treason by due course of law. The Earl of Elgin might easily have given instructions to the commissioners to make further limitations; it was very doubtful whether he had now the power to do so. The preamble of the Act clearly showed that the only exceptions contemplated were in those cases where convictions for treason had taken place. The use of the words, "unjust, unnecessary, and wanton destruction," evidently pointed to the losses sustained by rebels, and not by loyal subjects. But, if the commissioners were to inquire if the injury was "unjust and unnecessary," surely they might also have inquired into the character of the claimants, whether they were loyal subjects or not, or, at least, whether they had been actually engaged in the rebellion. With the exception specified in the preamble, of parties convicted solely of treason, not of sedition, riot, or any minor offence, it would be impossible to exclude any other parties, even those who had come in and submitted to the charge, or those who had escaped from the country without punishment. The seventh section gave the most strictly limited authority to the commissioners, insomuch that no instructions from the Earl of Elgin could possibly alter their course; and the tenth section referred to the preamble, and made it part of the Act. After the commissioners had reported to the Governor General on the amounts to be allowed, there was no kind of appeal; for the fourteenth section imperatively required that the money awarded should be paid. If the commissioners were to have a larger discretion than was specified in the preamble of the Bill, he confessed that he should regard the Act as one fraught with danger. After the statement of the noble Lord at the head of the Government, that he would not give the sanction of the Government to this Act until the instructions from the Earl of Elgin to the commissioners had been received, he thought it was clear from that admission that the Earl of Elgin had communicated his intention of giving these instructions under the conviction that he had authority to limit the power of the commissioners. With respect to the Act generally, it had caused great disgust in the colony, and was felt to inflict hardship and injustice. Whatever might be the consequence, here or elsewhere, of such a course, unless the Attorney General could give him an assurance that his construction of the Act was an erroneous one, he should feel compelled to vote for the Motion of the right hon. Gentleman the Member for Stamford.

The ATTORNEY GENERAL could assure his right hon. Friend that it was not because he was unprepared to answer the questions addressed to him by the right hon. Gentleman the Member for Stamford, during the discussion of the previous evening, that he had not immediately followed him in debate, but because he had thought it desirable that the hon. and learned Member for Sheffield, who was intimately acquainted with the subject, should first express his views to the House. As it had been his intention last evening, so was it his intention now, not to enter into the general merits of the question, or into the preceding measures of former governors, which had led to the measure now under discussion. He rose merely in discharge of his duty, to answer the questions which had been addressed to him, and to put that construction upon the Act in question which, in his judgment, was the correct one. He felt sure that the House would acquit him of any other intention, in the performance of a bounden duty, than of answering these questions, without reference to the bearing of his reply on one side of the question or the other, his desire being simply to assist the House, with the aid of the little legal experience at his command, in coming to a just conclusion with respect to the scope and intention of the Bill under discussion. Now, the result of the consideration he had given to the Act was, that he did not think it necessarily entitled persons who had been or who were rebels to compensation, for much must depend upon the nature of the instructions given by the Governor to the commissioners. But the first question put to him by the right hon. Gentleman was, whether the Crown could qualify this Act? His reply was, that expressly the Crown could not. The Crown could do only one of two things. It must either give its assent to, or must negative, the Act. If the Crown were so to qualify the Act, it would be an usurpation of the legislative authority of the colony, and of the three estates of the realm. With respect to the second question put to him by his right hon. and learned Friend, whether the Earl of Elgin, in virtue of his authority as Governor, had power to give instructions, varying the instructions contained in the Act, his answer to that question was plain. As the Governor derived his authority from the Act of the Legislature, confirmed by the Crown, if his assent were given to the Act, all the instructions contained in the Act must follow as a matter of course, and the Governor had no power to vary them. It was unnecessary to advert to the oath taken, or to the seventh section, requiring the commissioners to make their award according to the Act; but he would come to the real question before the House, namely, what was the true intention and meaning of the Act. Now, if the Act had enabled the commissioners to give compensation to everybody under all circumstances, the commissioners must give to all claimants. His right hon. and learned Friend said that it was an insult to the dignity of the Crown to call upon it to give its assent to a statute under which compensation was to be awarded to those who had acted against the Crown and the imperial dignity. Now, would the right hon. Gentleman have stated it in the Act that compensation was only to be given to persons who were not rebels? If so, how would he establish his proposition? Would he wait for legal proof that parties were rebels, or would he treat them as *primâ facie* rebels? As the noble Lord the First Minister of the Crown had stated last night, was the burden of proof to be shifted, and was a man to prove that he was not a rebel? But the preamble of the Act was clear with respect to those persons who had been convicted of high treason. On persons being convicted of high treason, their blood became attainted, and, notwithstanding any injury their property might have sustained, they were entirely excluded from the investigation. The Act expressly excluded persons convicted of high treason. The right hon. Gentleman the Member for the University of Oxford had complained of the constitution of the courts-martial. If courts-martial were established under the Mutiny Act, they must proceed in compliance with the directions of that Act; but the courts-martial which had been adverted to were not courts-martial strictly so called, but they had been called into existence owing to the necessity of enforcing martial law. The rule of common law was this, that whenever the exigencies of the State so required, the Queen in person, or any governor representing Her Majesty, might suspend the operation of the common law, and proclaim martial law. Lord Hale had laid it down, that if the necessity for proceedings under courts-martial could not afterwards be proved, those who exercised martial law might, or might not, be guilty of murder; but the common law clearly provided for the establishment of courts-martial under the circumstances. With respect to the right of creating courts-martial to suppress a rebellion, there could be no doubt. Those who were delegated to preside over the peace in the colonies, might institute courts-martial. With respect to the two classes of persons, those who had been indicted and convicted for high treason, and those who had made a confession of their treason, and had been transported, the moral effect of the law was the same, and they were excluded from participation in compensation. They were equally estopped by conviction or by confession. But the right hon. Gentleman was mistaken when he said that the proviso gave greater effect than the previous words. Then they came to another class of persons—persons who, not being either convicted or confessed rebels, were to be compensated. The Act stated, that the claims in respect to rebellion losses, so far as they had arisen from the total, or partial, or unjust, unnecessary, or wanton destruction of property, should be satisfied; and the right hon. Gentleman said, that under the words of the Act, it might happen that a man who was a rebel might get the benefit of compensation. But so it might have been if it had been expressly enacted, that no man in fact guilty of rebellion should receive compensation. He apprehended there was no question but that the Earl of Elgin had the right of defining the instructions of the commissioners—not to tell them actually what they should do, but to direct their attention to the peculiar modes of ascertaining the unjust, unnecessary, and wanton destruction of property; and that was the most delicate and regular way of excluding those who were not entitled to compensation. No man could safely be said to be properly excluded from the benefits of the Act on mere *primâ facie* proof; but under the words "unjust, unnecessary, or wanton" destruction of property, much greater latitude would be given to the commissioners, who might very well say they would pause before they went so far as actually to convict a man of rebellion, although they might have their suspicions about it, while they might have little difficulty in deciding that his losses were not such as arose from unjust, unnecessary, or wanton destruction, or seizure. Having stated his views to the best of his ability, in answer to the call that had been made upon him, as to the legal construction of the Act, it was not for him to enter into the general question, or he might have shown, had he had the opportunity, that the course of the Government was the best that could be adopted under the circumstances. But he thought it sufficient for him to have done his duty, by pointing out his own view of the legal construction of the Act under consideration.

Mr. DRUMMOND thought this question, disguise it as they might, when translated into plain English, was neither more nor less than this—whether or not they should address the Crown to dismiss his noble Friend the Governor General of Canada, to put an end to the Ministry there, and possibly weaken, if not destroy Her Majesty's Government in this country. The question had also been introduced in a most extraordinary way: one right hon. Gentleman had made a speech without a

Motion, and another right hon. Gentleman had made a Motion without a speech. In the opening speech, that had no "Q. E. D." at the end of it, the only justification offered for our interference at all was, that this was not a mere local question, but an imperial question; but the proof of its being an imperial question was never so much as stated or even alleged. It was very true that they had been allowed to draw the inference for themselves; and the logical form in which the matter had been put was this:—Rebellion being an offence against the Sovereign of the whole empire, *ergo*, it is an imperial and not a local offence; *ergo*, the question is not a local but an imperial one. The right hon. Gentleman the Member for the University of Oxford also said, in his notice on the Paper, that he objected to "certain parts" of a recent Act; whereas it was clear, from his argument, that his objections referred to no part of the Bill more than another, but that he objected to the Bill altogether. [Mr. GLADSTONE dissented.] If this was an imperial question, the whole Act was an imperial question. All in that House agreed that the Earl of Elgin was a very able man; all agreed that his talents peculiarly fitted him for the situation to which he had been appointed. He (Mr. Drummond) supposed they had there five hundred gentlemen in that House, and that they were not all remarkably clever men, and fitted to be the governors of colonies. He therefore inferred, without intending offence to any body, that the Earl of Elgin was a cleverer man than the majority of those in that House. Yet the right hon. Gentleman, by this Motion, wished to take the Government of Canada, in a matter of detail, out of the hands of that able Governor, and to convert that House, not into a legislative, but into an administrative assembly, to administer the affairs of Canada. For it was agreed on all hands, that there was a certain class, A, that ought to receive, and another class, B, that ought not to receive compensation; and, after all, it was a matter of detail and of judgment; and pass what law they pleased, it must be left to the discretion and judgment of those who had to carry it into effect. Now, he confessed that it was somewhat extraordinary that two Gentlemen who were—he could not say the heads of parties, but—the two half-heads of two parties, should come forward with a proposition of this kind, they having had on ordinary occasions a professed antipathy to what were called radical opinions and radical measures. Now his (Mr. Drummond's) quarrel with radical opinions and radical measures in that House was this, that they would convert that House into a place of administration; and that was precisely the very thing that these Gentlemen were calling on the House to do now; and therefore he confessed that the only safe course he saw for them to pursue, either as regarded the dignity of that House or of Canada, was to leave the question in the hands of the Earl of Elgin.

MR. VERNON SMITH said, the right hon. Gentleman the Member for the University of Oxford had introduced the subject in a very elaborate speech, entering into the whole question with the greatest accuracy, and showing that he was possessed of great ability, and admirable powers of investigation. But still he (Mr. V. Smith) must be allowed to say that the right hon. Gentleman's address was more fitted for a Canadian Assembly debating Mr. Wilson's Amendment, than for the Imperial Parliament discussing whether or not the Royal assent should be refused to the colonial Bill of a colonial legislature. The noble Lord at the head of the Government had answered the right hon. Gentleman's speech, taking up point after point with great energy and spirit; and had met the question manfully, as a Minister of the Crown should meet a question of this character, and had greatly gratified his supporters on that (the Ministerial) side of the House. The right hon. Gentleman had not concluded with any Motion; but the right hon. Gentleman the Member for Stamford, although he hesitated at first, at last, like a party leader, eager to grasp any opportunity of gaining a triumph over the Ministry, supplied the omission by bringing forward a Motion. A new party move, although perhaps allowable on ordinary occasions, was greatly to be deprecated on colonial questions, especially when they were connected with riotous proceedings. The manœuvre, however, had failed, and the right hon. Gentleman had been doomed to disappointment in his expected triumph. Although there was some ground for the attack of the right hon. Gentleman the Member for the University of Oxford—and the question was one worthy of the attention of the House—yet, at the same time, his opening speech was (as the hon. Member for Surrey had said) so much devoted to objections to almost every detail of the Bill, that he (Mr. V. Smith) thought the right hon. Gentleman, with his great colonial experience and acknowledged ability, was bound to submit a Motion to the House on this occasion. He thought that the question before the House opened up a larger and much wider field than the mere question that had been just debated between his hon. and learned Friend opposite and the Attorney General. They were dealing with the most important of all branches of colonial government, namely, what was to be the responsible government of our colonies? The theory of that government, at least, had been explained by the noble Lord when himself Secretary of State for the Colonies; and the doctrine laid down in his celebrated despatch to Lord Sydenham, had been ever since acted upon, and never was impeached in the slightest degree by any succeeding Colonial Secretary. Lord Stanley and Mr. Gladstone, when in office, had never departed from the noble Lord's interpretation of responsible colonial government; and the noble Lord himself last night gave full development to the doctrine now at issue, under the Motion of the right hon. Member for Stamford. The vote for the colonial militia of Canada, on which the right hon. Gentleman the Member for the University of Oxford, in introducing the question, partly grounded his remarks, they were told by the Chancellor of the Exchequer would not have to be paid out of the imperial treasury any longer; and when they were about to call on the colony to defray the charge from its own resources, was this a time to turn round and tell the colony that it should no longer have the power previously given to it of acting for itself in its own legislature? It was a singular coincidence, apparently implying that somebody else must have drawn up the Motion for the right hon. Mover, that it contained particular words that, of all others, ought most studiously to have been excluded. They were almost exactly the same as those used in Mr. Robinson's and Mr. Wilson's Amendments to the Bill, proposed in the Canadian Assembly, and rejected, the former by a majority of 46 to 26, and the latter by a majority of 44 to 28. Could, then, a greater insult be offered to the legislature of Canada than for this House to adopt a Motion embodying the very words that they themselves negatived? Ought they to force the majority in that colonial legislature to adopt those very expressions of the minority's suggestions which they had deliberately declared that they would not adopt? That he thought would be a very formidable inroad upon the doctrine of responsible government. And why was the House asked to do that? Because, by a minute and captious criticism of the wording of the Act, the right hon. Gentleman here in Great Britain might be able to find out how in some way the legislature in Canada might not be able, as he conceived, to carry out its own declared intentions. Against that criticism the noble Lord last night quoted from the despatches of the Earl of Elgin and the debates on the question, giving the expressions of Mr. Hinckes and other colonial Ministers; and he must ask, when even in this country they often took the declarations of Ministers for the intentions of the Legislature, whether all these declarations were to go for nothing because they were made at a distance of some thousand miles? Even if the right hon. Gentleman had made good the whole of his case, still he (Mr. V. Smith) would ask, was the danger of possibly admitting some few, who might have aided or abetted the rebellion, to a share in the compensation, anything at all to be compared with the imminent hazard they must run, by telling the greatest and most important of our colonies, that we would not allow any Act sent home to us from their legislature to receive the Royal assent, unless they would modify every letter and word of the Act to suit our views of what would best carry out the obvious spirit and intentions of its framers? The noble Lord himself had told them last night, that he would postpone his decision on the Act till he had received the instructions to be given to the commissioners; and surely the House, too, could not refuse to pause till it had first seen these instructions before it came to a decision. Let hon. Gentlemen not come to a premature vote to-night, but pause before they adopted a resolution most prejudicial to their interests, and which might plunge the colony into a state and a feeling that they must all deprecate. They had been told of the agitation of the minority in Canada against this Bill; but ought they not much more to dread the agitation of the majority who had adopted the measure, when it was now proposed to tell them that we would not carry out towards them the principles we had for years past assured them should be held as most sacred? He believed that the disgraceful riot which had taken place in Montreal was repudiated by all public men as a demonstration of public opinion.

That night they had had the opinion of the chief law adviser of the Government, who, without any feeling of party, had merely pointed out to them the interpretation of the Act; and they had also, on the same side, the opinion of the Earl of Elgin, a man chosen from no party consideration, but simply selected for his important post on the ground of his great experience, ability, and acquaintance with the forms of that House; and, up to this moment, not a single blemish could be found in his character as a colonial Governor. All that he (Mr. V. Smith) had heard alleged against him was, that he had come down too hastily to give his assent to the Bill after the Assembly had maturely and deliberately adopted it; and the right hon. Gentleman the Member for the University of Oxford had said that he had no fault to find with either the colonial Governor or Government. The right hon. Member for Stamford, however, had blamed the Government here severely for not having meddled and interfered at every step with the provincial legislature. Now he (Mr. V. Smith) had heard a great deal of abuse of the constant and vicious intermeddling of the Colonial Office; but it rejoiced him now to hear it reproached, because the colony and its Governor were left to act freely for themselves; because he approved of the widest and largest discretion compatible with the rights of the mother country being given to the colony, and Earl Grey had steadily acted upon that principle with regard to the Canadian legislature. This question affected our whole connexion with the colonies; the maintenance of our imperial dominion was involved; and there was a danger of separation unless we were more cautious this century than we were during the last. But he called on the House, mainly and chiefly for the paramount reason that they could not wisely, on the ground of the mere details of the Bill, on the ground of a mere legal interpretation of a particular clause that was very likely erroneous, but certainly, as he thought, captious—he called on the House, on that consideration, not to refuse its assent to this Bill. If they were prepared to reject it, let them have a larger and more solid ground for its rejection; but he would earnestly entreat the House to beware how they rejected, without sufficient reason, this Act deliberately passed by the legislative assemblies of Canada.

Mr. HUME said, it was not often that he could approve of the acts of the Colonial Government of this country, for in general he had to speak of it in the language of complaint; but on the present occasion he should be wanting in his duty if he did not express his opinion that the Colonial Department, on this question, had taken the proper course, and one that ought to be pursued towards all our other colonies. The right hon. Gentleman the Member for the University of Oxford had himself admitted that he would make responsible government the rule, the only exception to the principle being in the case of imperial questions; but the debate must have convinced the right hon. Gentleman that he had failed to make this out to be a case coming under his own category of exceptions; for it had not yet been shown in what way the Bill of the Canadian Parliament before them became an imperial question. He (Mr. Hume) was glad to hear the noble Lord at the head of the Government boldly and clearly enforce the position he had formerly laid down in his despatch to Lord Sydenham, and state the determination of his Government to carry out the statesmanlike principles he had enunciated. But there was one point in the noble Lord's speech with which he could not agree. He thought the Home Government had nothing whatever to do with the details of this Bill; for responsible government gave the local assemblies and the local government the power of managing all their own internal affairs, provided they did not injuriously affect the mother country. He entirely concurred in the high eulogiums passed upon the Earl of Elgin; and no part of his conduct did he think more highly of than the manner in which he had acted during the late proceedings, where he was so improperly treated, and where the parties ought to have been, as he believed they were, thoroughly ashamed of themselves. But it was precisely because he had so strong a confidence in the Earl of Elgin and his Ministry, that he could not agree with the noble Lord at the head of the Government in requiring first to see the directions to be given to the commissioners for carrying out this measure. He hoped the noble Lord would reconsider that decision, as it must be a humiliating decision in the eyes of the Earl of Elgin, who deserved still greater confidence than the noble Lord seemed inclined to repose in him. The noble Lord, seeing that the Earl of Elgin had already done so much to justify the high opinion justly entertained of him, ought to confer upon him the additional mark of confidence in him and his Ministry by entirely declining to interfere in any part of what was requisite to regulate and carry out the Bill before the House. That was the only point on which he (Mr. Hume) could find fault with the noble Lord's speech, which, with that exception, was a manly and spirited exposition of a statesmanlike policy, and would, he felt assured, be productive of very beneficial results. There was another matter to be considered, and it was this—that those who are now the opposers of those grants had plenty of opportunity, if they wished to object to this compensation. The first application that was made during the government of Lord Sydenham was, that the British Parliament should pay the money; and the noble Lord then at the head of the Colonial Office referred the question to the Treasury. From the letter of Sir Charles Trevelyan, it would be seen that the Lords of the Treasury were of opinion that it was not an imperial question, but merely a local question; and on that decision the noble Lord wrote his despatch—a short one, but very decided. If the right hon. Gentleman who introduced the Motion took the proceedings in Canada into consideration, he would find it there repudiated as an imperial question. It was stated to be a local question: the law officers took upon themselves the responsibility, and let them carry out the measure they had themselves devised. He had seen various instances of the different opinions held by men in and out of office, and here there was an example of it. The party who now raised the outcry were in office when an unanimous address to Governor Metcalfe was agreed to, praying that his Excellency would be pleased to cause proper measures to be adopted in order to insure the inhabitants of that part of the province, formerly called Lower Canada, indemnity for the just losses sustained by them during the rebellion in 1837 and 1838. The very men who are now crying out against giving the money were the parties (then in office—then in the Ministry)—who recommended that, and carried out the steps then taken to give compensation. One thing was certain and most advantageous, that a result of the late proceedings in Canada would be to open the eyes of many who had not heretofore seen the real situation of the country, and the real character of the unprincipled men who had so audaciously arrogated to themselves the reputation of being the only loyal subjects of Her Majesty in the province. The worthy representatives of these worthy persons, who had come over to England in search of support, would return to Canada laden instead with the indignant condemnation of every honest Englishman. It was said, the voice of Canada was against this measure; but let them look to the addresses sent to Lord Elgin from every part of the country. Here was one agreed to at Norwich:—

> "Resolved, that this meeting feels indignant at the movements being made to alarm the fears of the people of this province by attempting to make it appear that the Bill before Parliament for payment of the rebellion claims of Lower Canada is to be raised by direct taxation on the people of Canada, a thing they know to be untrue, as the propagators of the same are dishonest."

The hon. Gentleman the Member for Bridport had charged the Earl of Elgin with appointing persons to office who had been rebels. Those who made such an accusation seemed to have benefited little from history, or they would find that the rebel of Monday would be the patriot of Tuesday, if he were successful. Those men were most unjustly treated as rebels against the Queen. They never had a hostile feeling against Her Majesty, but they had against the faction which was blindly kept in power by the Government for many years. It was against that faction they had contended, and not against the Crown. It was true those men were acting against Her Majesty's troops, but that arose from the circumstance that Her Majesty's troops in Canada were one day called upon to support one system, and on another day another system. He hoped they never would be subjected to that again, and, under the system of responsible government, he hoped Canada, before long, would be able to dispense with British troops to a great extent. He formerly was opposed to the policy adopted with respect to Canada by the noble Lord, but he now thanked him for what he had done. He thought he had acted properly, not only for the honour of England, but for the interest of Canada. Everything he did for the interest of Canada would redound to the honour of the Crown. It was their duty, if they wanted to retain that most important possession, to allow them, as they are now doing, to conduct their own affairs, and bring out their resources for their advantage, instead of being, as they had been, a burden and a cause of trouble. He hoped the House, whether they came to a division that night or not, would support Her Majesty's Government, who had in such a firm and manly manner stood by the principles and acts of those who were in favour of responsible government.

MR. NEWDEGATE really had not intended to have intruded upon the House, but he could not suffer the speech of the hon. Member for Montrose to pass unnoticed. The right hon. Gentleman the Member for the University of Oxford, who had commenced the debate, had made a most powerful and conclusive speech against this Bill, and the noble Lord at the head of the Government had admitted that the Bill justified the remarks of the right hon. Gentleman. Towards the close of his speech the right hon. Gentleman himself seemed alarmed at the strength of the position he had himself assumed, and at the strength of the case he had himself submitted, and so spent the last twenty minutes of his speech in blowing off his steam. Despite the right hon. Gentleman's attempts to shake the strength of the case he had himself established, he (Mr. Newdegate) did not believe that the House would gain any further insight into the matter by a prolonged debate. The House was in full possession last night of the general bearings of the question, and no good would be gained by the delay. The hon. Member for Montrose, with that vague indefiniteness of expression which was so often the characteristic of his speeches, had mixed up in the same category the American sympathisers who were in arms against the Queen in 1837 and 1838, and those misguided rioters who had recently allowed themselves to be betrayed by the warmth of their feelings into excesses which every right-minded man must condemn. The hon. Member for Montrose had also thought fit to class the defenders of Canada in 1837 and 1838 with the rioters of Montreal. He (Mr. Newdegate) begged to recall to the recollection of the House the fact that those who were now stigmatised by the hon. Member for Montrose were the very men whose presence of mind and courage were the most conspicuous amongst those who endeavoured to save the public property consigned by the rioters to the flames. He repeated that those who were foremost amongst the defenders of Canada in 1837 and 1838 were the most forward in support of the Government and the cause of order in 1849. Sir Alan M'Nab had been one of the first to tender his support to the Government; he had given that protection which his known character enabled him to afford to the frightened members of the Assembly, and exerted himself most indefatigably in the endeavour to rescue the valuable documents endangered by the fire. He served his Queen and country with the same determined courage that he exhibited in 1837 and 1838; and yet the hon. Member for Montrose spoke of him as though he had been actuated by motives the very reverse of that loyalty which had been the leading characteristic of his life. He must recall to the recollection of the House the fact that it was Sir Alan M'Nab who, at the head of his gallant volunteers, had repulsed the American sympathisers on all hands, and, in fact, it was he who had given the *coup de grâce* to the rebellion. He had received the thanks of two of the Governors General — Sir Francis Head and Sir George Arthur. He had been distinguished by many marks of their esteem; while his conduct throughout the last exigency had been blameless; and, if possible, stood still higher in public estimation. He (Mr. Newdegate) could not, however, say he was surprised at the confusion of ideas evinced by the hon. Member for Montrose, because he had also affirmed that the rebellion of 1837–38 was a just rebellion. On the interpretation of that word "just," turned the whole question. If it were a just rebellion, according to the interpretation of the Act by the Attorney General, all the losses incurred by the rebels must be compensated under the proposed Act. The only reservation was that which was implied in the requirement, that the destruction of property should be "unjust, wanton, and unnecessary;" but if it was a just rebellion, the losses occasioned by it must be unnecessary and unjust. It was impossible to place the position of the question more fairly in that respect; and upon this opinion of the Attorney General, the gravest imperial questions were turned. Was an attempt—aided by foreigners—on the part of the rebellious subjects of the Queen, to separate a colony from the Crown, an offence against the imperial authority or not? If anything could constitute such an offence, it must be such an endeavour to separate a colony from the Crown. He would put a question to the hon. Member for Montrose. Supposing this Government in 1838 had determined to retaliate upon the adjacent States of the Union, and had sought forcibly to annex one of those States and separate it from the federal Union, would the Government of the United States have considered that a federal question or not? The cases were analogous, for the American sympathisers did not want "responsible government," but their object was to separate Canada from the Crown of England, and add another star to the American constellation. There could be no question that was the fact, and yet the hon. Member for Montrose said it was a just rebellion, and that, therefore, every loss inflicted by the troops in repressing that rebellion was unjust, wanton, and unnecessary. If the interpretation put upon those words were admitted, it reduced representative government to an absurdity; because if the Queen and the Government were to have no discretion, it was perfectly clear by the terms of the Act that they must consent to give the compensation awarded to rebels. M. Lafontaine and Mr. Baldwin would, in accordance with their previous conduct, he had no doubt, accept that interpretation; and if it were the proper one, he should like to know how any person could be disqualified, who had not been absolutely convicted of high treason, from receiving indemnity for losses. He could not wonder that the loyal men of Canada should have been deeply irritated at what had passed. The Government of Canada had been at much pains to conceal the expression of opinion against this Bill, which had proceeded from numerous bodies in Canada. They had rumours and reports of numerous petitions against the Bill, but the Government had distinctly refused to give an account of those received by them. They had paraded before the House page after page of addresses to the Earl of Elgin, expressive of the regret which all classes felt at the outrage which had been offered to him as the representative of the Sovereign to whom they were attached; but there was not one given which expressed an opinion adverse to this Bill. He felt, with the loyalists of Canada, that it would be an insult to the Crown of England, an injury to them, and a degradation to the British Legislature, if this Bill received the Royal Assent, and were suffered to pass into a law. He put it to the noble Lord opposite to answer this question—what Act hereafter could be passed by the legislative assembly of any colony which the Crown could consistently disallow? This House and the Crown of England would hereafter be bound by every act of the colonial legislatures. Could anything be more flagrant, than that under the ambiguous terms of this Act, though he denied that they were ambiguous when coupled with the circumstances of the case—compensation would be given to rebels against the Crown? If the Crown of England were to consent to this measure, what Bill passed by a colonial legislature would it have good grounds for rejecting? It seemed that the doctrine of responsible government had gone to such an extent that the Governor had no discretion, and that the Crown had no discretion when the Act was sent home. The noble Lord said he was waiting until the instructions given to the commissioners came home; but when they did come home, was it the noble Lord's intention to send out an interpretation of the words "unjust, wanton, and unnecessary," as applicable to the losses which were the foundation to the claims that had been submitted to the commissioners? He begged to put that question pointedly to the Government, for on those three words the whole case depended. He should put some other questions to the Government—questions which had been already put in Canada and not answered. Colonel Prince, in the House of Assembly, put these questions to the Government:—

> "1. Do you propose to exclude in your instructions to the commissioners to be appointed under this Act all who aided and abetted the rebels in 1837-38?"

To this there was no reply.

> "2. Do you propose to exclude those who admit and confess a participation in the rebellion?"

Again no reply was vouchsafed.

> "3. Do you propose to exclude those whose admission of guilt is at this moment in the possession of Government?"

Again no answer.

> "4. Do you mean to exclude any of the 800 men who were imprisoned for participating in the rebellion, but who were discharged from custody by the clemency of the Governor General, and whose claims for losses exceed 70,000*l.*?"

No reply! Colonel Prince then said that he would read the questions again *seriatim*, or furnish the Government with a copy, and trusted that they would give a reply. M. Lafontaine then said that they had been answered in the debate before. The only answer that had been given before was one given in private by M. Lafontaine to Mr. Jones; and it was that, according to his understanding of the Bill, no distinction could be made. The refusal to answer these questions was not calculated to give satisfaction to the people of Canada. Without justifying what had happened in the smallest degree, he would ask whether they could expect the loyalists of Canada to submit to such treatment? The *resumé* of these questions is—

> "Do you propose to include in your instructions to the commissioners all that aided and abetted in the rebellion of 1837 and 1838?"

He (Mr. Newdegate) begged to put these questions simply and *seriatim* to the Government; and he also must ask, what were they waiting for? Was it merely for the purpose of putting an interpretation on those three words, "unjust, unnecessary, and wanton?" They had been told that there might be some ambiguity in these expressions; but for any distinct assurance from the Government, in reply to the right hon. Gentleman the Member for Stamford, the House had not advanced one step further towards a satisfactory position. Unless the questions he had put were satisfactorily answered, he should give his vote for the Motion of the right hon. Member, because the intention of the Government, so far as he could gather it, at present was to recommend Her Majesty to sanction the passing of this Bill.

Sir W. MOLESWORTH said, that he should vote against the Motion of the right hon. Gentleman the Member for Stamford for various reasons, with most of which he would not trouble the House; for they had been well stated by the noble Lord at the head of the Government, in a speech to which he had listened with pleasure, because it appeared to him to be sound in principle, liberal in sentiment, and to prove that the noble Lord was well versed in the true maxims of colonial government. He thought a grave error had long pervaded our system of colonial policy. That error had consisted in the tendency of the Imperial Government repeatedly to interfere in colonial affairs, on the plea that such interference was necessary to protect imperial interests. Under that plea the Imperial Government had at different times interfered in almost every description of colonial question; and the consequences had been well-founded complaint and discontent in the colonies. He believed the colonies would never be well governed and contented until our colonial policy was reversed, and the rule was laid down and strictly adhered to that the Imperial Government should abstain from interfering in colonial affairs, except in cases of grave and well-proven necessity, in which it could be shown that there was immediate danger to the great interests of the empire. Now, had such a case been made out against the Rebellion Losses Bill for Lower Canada? He thought not. He had heard a most able and ingenious speech against that Bill from the right hon. Gentleman the Member for the University of Oxford. If that speech had been delivered in the House of Assembly of Canada, it would probably have induced him (Sir W. Molesworth), had he been a Member of that Assembly, to vote for Mr. Wilson's Amendment; but it did not in the slightest degree convince him, as a Member of the Imperial Parliament, that he ought to assist in rescinding the measures of the Canadian Assembly. On the contrary, he maintained that the Imperial Parliament could not rescind that measure without being guilty of what appeared to him to be equivalent to a breach of faith. And he held that such a breach of faith would, on imperial grounds, be a greater evil than any compensation to a few rebels which might happen under that Bill. He maintained that the Rebellion Losses Bill for Lower Canada was but the legitimate sequel to previous measures, and the necessary consequence of the instructions given by the Secretary of State for the Colonies of the late Government (Lord Stanley) to Lord Metcalfe, in 1844. In consequence of those instructions, Lord Metcalfe had proposed to the Assembly of Canada a Bill for compensating rebellion losses in Upper Canada; that Bill had been passed with a pledge that a similar measure should be introduced for Lower Canada, and the present Rebellion Losses Bill for Lower Canada was a fulfilment of that pledge, which had been given both by the House of Assembly, by the Governor, and therefore virtually by the Imperial Government. He held, therefore, that no blame could attach to the Earl of Elgin for fulfilling that pledge, and that if the Imperial Parliament rescinded the measure in question, it would be a flagrant breach of faith on their part. These positions could be proved beyond a doubt by the papers presented to the House, and to which he begged to call the attention of the House. In 1838 an ordinance had been passed in Lower Canada appointing commissioners to inquire into losses occasioned by the rebellion, and in 1839 an Act had been passed extending the provisions of that ordinance. The commissioners who had been appointed had made five reports; when, for reasons he would presently state, their operations were closed before their inquiry was terminated. The claims arising under the three first of these reports amounted to about 21,000*l.*; they were approved of by Sir John Colborne, and paid out of the funds of the provincial treasury. Those funds being exhausted, Lord Sydenham was unable to pay the claims arising under the two last reports, and it was for that reason that he had put a stop to the operations of the commissioners before their inquiry was terminated; at the same time he had recommended that one of those claims should be paid out of the military chest — that was, out of imperial funds. It was worthy of remark that the Canadians and their Governors had been most anxious to make the empire pay for losses occasioned by the rebellions. They had argued that the question of compensation for rebellion losses was an imperial and not a local question, and that these losses should be compensated out of imperial funds. Every Secretary of State for the Colonies had been of the opposite opinion: first, the Marquess of Normanby, then, Lord John Russell, lastly, Lord Stanley —each had maintained that the question of compensation for rebellion losses was a local and not an imperial question, and that the compensation should be paid out of local and not out of imperial funds; and they had told the colonists that if they would pass measures for that purpose, those measures would be sanctioned by the Imperial Government. For some time the colonists had been very unwilling to adopt this recommendation, and had persisted in considering the question to be an imperial one. The consequence of this delay had been great and well-founded complaint on the part of the colonists. In a despatch dated April, 1844, Lord Metcalfe had transmitted to Lord Stanley a petition from certain inhabitants of Lower Canada, praying for compensation for rebellion losses. Lord Metcalfe assured Lord Stanley that their "prayer was entitled to earnest consideration," that "no one could question their claim," that "it was much to be regretted that so much delay had taken place in doing justice," and that "there was little prospect of any better result, owing to the disinclination in influential parties to provide the requisite funds." He had however a "faint hope, bordering on despair, that the local legislature might hereafter be moved to make the necessary appropriation." In reply to this despatch, in order to overcome "the disinclination of influential parties," and to move the local legislature, Lord Stanley made the suggestions contained in his despatch of May, 1844. In it Lord Stanley used the following words:—

"I find that in Upper Canada an Act was passed with the intention of providing indemnification, by means of debentures, for a certain number of persons who had sustained losses by the rebellion; but which Act, if I am rightly informed, never went into operation. It has been suggested to me that if the claims of both sections of the provinces were submitted in one application to the House of Assembly, they might receive favourable consideration, and be compensated by debentures."

That noble Lord concluded his despatch by saying—

"As there are no hopes of relief from imperial funds, I think it right to offer you the suggestion, leaving it entirely to your discretion to act upon as you think proper."

What was the meaning of this suggestion? The House should bear in mind that the state of things in Upper Canada with regard to rebellion losses was analogous to that of Lower Canada. In Upper Canada commissioners of inquiry had been appointed, awards had been made, and some of the claims had been compensated; but there had not been sufficient funds to compensate all the claims. The only difference between Upper Canada and Lower Canada had been, that in the upper province the commissioners had terminated their inquiry; in the lower province they had not finished it. Therefore, the meaning of Lord Stanley's suggestion had been virtually to say to Lord Metcalfe, "You want to compensate certain rebellion losses in Lower Canada; in order to induce the Assembly to comply with your wishes, propose to them at one and the same time to compensate rebellion losses in both provinces." This had been done as far as practicable. A Bill was passed in 1845 for paying 40,000*l.* for rebellion losses in Upper Canada. Another Bill was passed for the payment of the claims arising under the fourth and fifth report of the commissioners for Lower Canada; and as those commissioners had not finished their report, the House of Assembly had unanimously agreed that—

"An humble Address should be presented to the Governor General, praying that he will be pleased to cause the proper measures to be adopted in order to ensure to the inhabitants of Lower Canada indemnity for just losses by them sustained during the rebellion of 1837 and 1838."

That address was agreed to before the passing of the Rebellion Losses Bill for Upper Canada; and the only meaning that could be attached to it was, that there should be a Rebellion Losses Bill for Lower Canada analogous to that for Upper Canada. He maintained, therefore, that to such a measure for Lower Canada the House of Assembly was pledged by its address. The Governor was pledged by his having proposed a Rebellion Losses Bill for Upper Canada, and the Imperial Government was pledged by having assented to that Bill. Now, the Rebellion Losses Bill for Lower Canada was the fulfilment of these pledges. There was no difference in principle between the Bills for the two provinces. The chief difference that he could discover between them was, that the terms which defined the kind of rebellion losses to be compensated, were more comprehensive in the Bill for the Upper Province than for the Lower Province. In the Upper Province, claims were to be investigated and compensated—

> "in respect of any losses occasioned by violence on the part of persons in Her Majesty's service, or acting or assuming to act on behalf of Her Majesty's service, in the suppression of the said rebellion, or for the prevention of further disturbance, and all claims arising under or in respect of the occupation of any houses or premises by Her Majesty's military or naval forces either imperial or provincial."

These terms were certainly more comprehensive than the words of the Rebellion Losses Bill for Lower Canada, which only provided that losses should be paid—

> "so far only as they may have arisen from the total or partial, unjust, unnecessary, or wanton destruction of the dwellings, buildings, property, and the effects of the said inhabitants, and from the seizure, taking or carrying away of their property and effects, provided that none of the persons convicted of treason, or who were transported to Bermuda, shall be entitled to any indemnity."

It must, therefore, be acknowledged with reference to the terms of the two Bills, that there was less opening for compensating rebels under the Bill for Lower Canada than under that for Upper Canada. If this were acknowledged, then he had proved his position, that the Rebellion Losses Bill of Lower Canada was the fulfilment of a pledge given by the House of Assembly and the Governor General at the instigation of the Secretary of State for the Colonies, and in virtue of the doctrine laid down by successive Secretaries of State for the Colonies, that compensation for rebellion was a local and not an imperial question. He held, therefore, that a refusal to agree to this Bill would be a breach of faith on the part of the empire to the colony. He attached great importance to the vote of to-night, not merely on account of Canada, but as a test of sound principles of colonial policy; for he held that it was of paramount importance to our colonies that the House and the Imperial Government should cease to believe in their own omniscience and infallibility in colonial matters; that they should be persuaded of their necessary ignorance of those matters, and should not venture to rescind the decisions of the representatives of a great colony on the pleas which had been urged in the course of that debate.

Mr. C. ANSTEY denied that Lord Stanley, in his despatch referred to by the hon. Baronet, had at all raised the question of the right of rebels to participate in any compensation which it was the intention of the Government to confer upon the loyal subjects of Canada. He believed that Lord Stanley would have rather severed his right hand from his body than have penned a despatch calling upon the lamented Lord Metcalfe to lend himself to any such proceeding. The hon. Baronet who had just resumed his seat had contended that the Bill for Upper Canada gave a wider scope to the parties to be compensated than that for Lower Canada. It was, however, perfectly impossible to wrest the meaning of that Act to any such purpose as that of the compensation of rebels. The just fears of the Canadians were excited at the time of the passing of the Bill with respect to the intentions of the Government. The loyal colonists had witnessed the repeated rejection at the hands of the Colonial Office of all their applications and recommendations for a just recompense and compensation to those who in the cause of the Crown in Canada had hazarded the loss of all they possessed. They saw in the case of Colonel Fitzgibbon, who so ably repulsed the American sympathisers at Toronto during the rebellion, that all the efforts of the colonists to obtain not merely compensation for his losses, but even remuneration for his services, had been rendered useless by the conduct of the Colonial Office. Twice the Legislature of Canada had passed an Act for compensating him, and twice the Government of this country had refused to sanction the measure; and up to this time that officer had neither been compensated for his losses, nor remunerated for his services. M. Lafontaine and Mr. Baldwin, who had been so active with respect to this measure, were themselves rebels. [Mr. Hawes: No, no!] A sum, however, was set upon the head of Mr. Baldwin; and yet he had since that time been appointed to the office of Attorney General, under the present Governor of Canada. Almost the whole of the loyalists had been dismissed from office, and their places supplied by those who took part in the rebellion. Mr. M'Leod had, up to this time, received not a farthing, either for his services or for the sufferings which he endured during that long and memorable imprisonment of which he was made the subject by the Government and mob of the United States. All the applications on the subject had been, as in the case of Colonel Fitzgibbon, rejected by the Colonial Office. Could they wonder, then, that the loyal people of Canada, knowing that the avowed purpose of the Act for the union of the two Canadas was to destroy the old French laws and the old British party, by fusing into one assembly the French and English representatives, and that the effect of the measure would be what its advocates intended, should have been led to regard with more than usual suspicion this new Bill for compensating rebellion losses which had been brought in by such men as Mr. Baldwin and M. Lafontaine? It entirely depended upon the conduct of the local executive as to the effect which this Bill would have with regard to the compensation of rebels. During its discussion in the House of Assembly an endeavour was made to procure from the Government a distinct statement of their intentions in bringing forward this Act. They refused, however, to give the required information, and all the Members of the Government voted with the majority against the Amendment. The present Canadian Ministry, true to their principles, when they got into power, resolved to put money in their purse. The question which the House now had to consider was, whether the Colonial Office, representing the Crown, as he regretted to say they must still consider it to do, had acted rightly in leaving to a single individual in Canada so much discretion. The noble Lord the Prime Minister told the right hon. Gentleman the Member for the University of Oxford, that he could give him no assurance that the rebels of Lower Canada would not be compensated for the losses which they had suffered during the rebellion; and in consequence of that refusal the right hon. Member for Stamford had moved his Amendment. The reason which the noble Lord gave for not conveying that assurance to the right hon. Gentleman was wholly beside the matter, for it did not follow that because the Government could not give a guarantee that not a single rebel should be compensated, they should not do all in their power to prevent rebels from being rewarded. Of course the law was always open to evasion, do what they would; but the noble Lord should not by his silence permit a construction to be put upon the Act which justified the compensation of a single rebel for what he did in 1837. At present the dilemma was presented to them of either coming in collision with the Canadian Legislature, or of basely submitting to the Colonial Office and those Canadian agitators who had obtained the confidence of that office. A middle path was, however, offered by the Motion of the right hon. Member for Stamford, and he should certainly vote for the disallowance of a Bill the avowed object of which was a gratification—for he scorned to call it compensation—for rebellion against Her Majesty. He was concerned to think that, in the course of this debate, no one had spoken on the behalf of Her Majesty's Government who had said one word against the rebellion of 1837, or one word in favour of those by whose assistance that rebellion had been put down. At present the loyal population of Canada wished to maintain the connexion with this country; but he feared that the policy of Her Majesty's Government, if persevered in, would infallibly conduct them into the camp of those who desired the separation of the Canadas, and the concession of independence. There were now 40,000 persons in Canada, enrolled in Hunters' Lodges and other secret societies, whose object was the annexation of Canada and the other provinces of British North America to the United States. It was in order to avoid all participation in so signal an infamy that he should give his vote for the Amendment.

Mr. MACGREGOR would strictly confine himself to reference to facts connected with the present condition of Canada. He should lament very much if the Bill went back to that colony unsanctioned by the Government, because he believed it would create discontent and dissatisfaction in the minds of all those who were friendly and faithful to Her Majesty's Government.

It had been the misfortune of that country to have early had planted in its soil a few overbearing British individuals, who had gradually acquired an influence over its administration, and this influence was strengthened in their families by a compact. Down to 1830 there were only two Governors General who were not, to some extent, under that influence—namely, Sir J. C. Sherbrooke and Sir James Kemp. The latter gallant Officer set out with a determination to do justice between all parties, and to listen to nothing that should emanate from the compact, or from any faction. The people of Lower Canada were always considered as an alien people by the self-called British party, and their very religion was presented by the British grand jury as a nuisance. No man lamented more than he did the rebellion of 1837-8, on account of the people of Lower Canada, who were, generally speaking, a loyal people, but who had been influenced by a few demagogues to believe that they were oppressed by the mother country, when in reality the oppressors were the British faction, and a few French-Canadian agitators. The pretended motive of the latter was a good one, that the Canadians ought to demand a measure of self-government for themselves. Such government has, much to the honour of the then Secretary of State for the Colonies, now the First Lord of the Treasury, been given to the Canadians. Now, if the present Bill was disallowed, it would go to the extent of declaring to the people of Canada that although they had a controlling and responsible Government in Canada, notwithstanding that, they would be deprived of its exercise when it suited the Home Government to do so. He was convinced that the sentiments stated by the noble Lord at the head of Her Majesty's Government, on the previous evening would be received with the greatest satisfaction by the people of Canada, with the exception of a few disappointed persons who were mainly instrumental in fomenting the recent disturbances. He did not believe that any large number of the inhabitants of either Upper or Lower Canada were in favour of a union with the United States. Montreal, the focus of disturbance, being contiguous to the few discontented parishes in Canada, was the cause of the riots in that city. If the Amendment of the right hon. Member for Stamford were adopted, it would be tantamount to a declaration that the Canadians should not have self-government. The object at issue was, were Canadian rebellion losses to be compensated out of Canadian funds, not out of the imperial funds of the empire at large? He considered that Canada should pay those losses. Few persons were aware of the difficulties that beset the administration of a colonial Governor. In Canada, however, the present responsibility was thrown on the legislature; and to reject the Acts of that legislature would be to drive the people into despair. It would extinguish the principle and practice of self-government. As the Act of the majority of a legally constituted legislative body, the Earl of Elgin had no option but to accept the Bill in question. It was said that the people of Canada desired annexation to the United States; and the cultivation of the American side was pointed to as proof of the difference in favour of the Government of that country. But it should be borne in mind, that one-seventh of the lands on the Canadian side of the St. Lawrence belonged, until lately, to the Church of England; that those sectional sevenths lay uncultivated, for no one would take them on lease when lands could elsewhere be bought at very low prices; and it should be also recollected that it was only lately the Canadians had had self-government. If the Canadas were annexed to the United States, all the Customs' duties, and the proceeds of the sales of lands, would go for federal purposes to Washington. Now, those monies are all expended for public purposes in Canada. If the Bill in question was rejected by Her Majesty's advisers, it would, he repeated, give just cause of profound complaint to the people of Canada. He approved of the course about to be taken by Her Majesty's Government with respect to the Australian provinces, because it was analogous to that which they had taken towards Canada. He did not anticipate any abuse of the money voted by the Bill, for he was sure the Canadians would look well after its expenditure.

Mr. ADDERLEY said, that if the assumption made in one part of the hon. Member for Glasgow's speech was to be granted, the rest of it was utterly unnecessary; for if it could be made out that the Act which they were now discussing was simply of local importance, no person would wish to interfere with it. It was not the Act itself that he complained of, and wished to interfere with, but its ambiguity of language, which left it open to misinterpretation. He rose with considerable pain on this occasion, because he wished to state the reasons why he himself, and several of his friends, would feel compelled not to vote for the Motion before the House, though heartily condemning and deeply deploring the policy of the Crown. The reason why he could not vote for the Motion was simply that it came too late. An Address was now moved to the Crown to do that which it ought to have done long ago. The Earl of Elgin ought in the first instance to have refused the introduction of the Act without sufficient guarantee in the Act to prevent the possibility of rebels receiving any portion of the compensation. He (Mr. Adderley) would venture to say that Mackenzie himself would be one of the first recipients of this compensation. Only conceive the feelings of men who, having lost sons or fathers in the rebellion, were taxed to pay compensation to such men as Mackenzie. It was true that M. Lafontaine could not be termed a rebel, but he was only more fortunate than the rebels in being their inferior in courage and boldness. The Act would be misconstrued by the commissioners. If there could be a guarantee given that the Act would be carried out *bonâ fide*, he would not object to it. The right hon. Gentleman the Member for Oxford University had clearly shown that the amnesty did not obliterate the rebellion. What was now to be done? What was the Imperial Parliament to do? This Act was, based upon the precedent of other Acts, which, it was said, were pledges that this Act would be passed. The former Acts, however, said that the compensation should only be given to loyal subjects; but as the word "loyal" had been left out of the present Act, the necessary inference was, that persons were to be recompensed who were rebels. He would say this, that if they could safely induce the Crown to suspend its consent until the wording of the Act was altered as proposed by the right hon. Gentleman the Member for Stamford, he would vote for the Motion; but he feared that it would be utterly impossible under the circumstances of the case, as it would go forth that it was a rejection of the Act. It was too late, and such a step would be dangerous to this country and the colonies. The noble Lord at the head of the Government said that such instructions would be given to the commissioners as to carry out the intentions of the Earl of Elgin—that was, that rebels should not receive compensation. Why, was not that a flat contradiction to his own argument against the proposal of the right hon. Gentleman the Member for the University of Oxford? The noble Lord said to apply any test would be to establish a kind of Star Chamber inquisition; and yet he proposed that such instructions should be given to the commissioners as would require tests as to rebellion to be applied. He (Mr. Adderley) could not but express his strong censure of the policy of the Government in this matter.

Mr. MONCKTON MILNES felt there was something that had not yet been fairly brought before the House, and that was, the manner in which the question had been put before the House. The hon. Member for Staffordshire had said the question came too late before the House; but for his life he could not see how it could have come earlier. He entreated the House to look at the question in its historical bearing, in order to see how Canadian affairs had reached their present lamentable result. The question of indemnity in the case of a rebellion which had become a civil war, in itself implied much acerbity, heartburning, and difficulty; and with respect to Canada might be impolitic while the provinces were disunited. But a Bill of Indemnity having been passed, and Upper and Lower Canada having been united, then it was no longer a question between Upper and Lower Canada, but whether the united provinces should pay the losses sustained on account of the insurrection. The people of Upper Canada were indemnified for their losses; but there was some difficulty with respect to Lower Canada, in discriminating between those claimants who were loyal, and those who were otherwise. In the Bill introduced to indemnify the people of Lower Canada, special instructions were inserted, to the effect that all persons convicted of rebellion should be excluded from any share of the proposed compensation. Those instructions were received by the Canadian House of Assembly with great ill-will. They said—

"We will receive no instructions whatever. We have allowed the money of the united provinces to go for the compensation of Upper Canada, on condition that the same compensation should be allowed for Lower Canada; and we must now reject the instructions that you propose, because they are inconsistent with an implied agreement."

Then came the question—"Who were the rebels?" The answer of Earl Cathcart was thus given by Mr. Secretary Daly—

> "In making out a classification of persons (entitled to compensation) on the 12th of December last, it is not his Excellency's intention that you should be guided by further instructions than those furnished by the decisions of the courts of law."

This limitation was fixed, not by the Earl of Elgin, but by Earl Cathcart, in February, 1836. That was the time for the House to decide whether that limitation was a proper one. If it were objectionable, the grounds of objection should have been then stated; but it was unwise to bring forward objections now, because a minority of the colony had created an agitation against the Bill. Was it possible for the House to call upon the Crown to reject such a Bill as this, sanctioned by such a majority in the Canadian legislature, without seriously endangering the connexion between the two countries? Those whom such a course would provoke, were the parties least bound to us by birth and habit and other ties. But by agreeing to the Bill, the House would in effect say—"We wish to make the amnesty real, and truly to unite the two provinces." Let not hon. Gentlemen go on making this distinction (independently of that constituted by a conviction) of "loyal" and "disloyal," rebel, and attached to British authority; that was still believing in rebellion and not in the amnesty. Canada must be attached to us by the tie of the consciousness of her own interest; otherwise we could not hold Canada, and the question of separation could be only one of time. He hoped, therefore, the House would sanction a Bill approved of by the majority of the people of Canada, assented to by the Earl of Elgin, and supported by Her Majesty's Government.

The MARQUESS of GRANBY: Sir, in the few observations I shall address to the House, I shall endeavour to avoid going over the ground occupied by those hon. Members who have preceded me. I think the question has been very much narrowed during the debate. The question to be considered is not whether we shall or shall not endeavour to reverse the principle of responsible government, but whether, by adopting the resolution of my right hon. Friend the Member for Stamford, we shall be acting contrary to that principle. The noble Lord at the head of Her Majesty's Government said, the other night—and I am sure he is not opposed to the principle of responsible government—that in his opinion there were cases in which it was the duty of the Government of this country to interfere in the decision of a colonial legislature. Was not the present one of those cases which would justify the Government in advising the refusal of the Royal assent to the Act of the Canadian legislature—nay, was it not the duty of the Government to do so? And if that were so, did not the matter become an imperial rather than a local question, in which the Government were called upon to interfere by advising Her Majesty's veto to the Act? The question, then, we have to consider is, whether this is one of those cases that will justify the Government of this country to interfere with respect to what has taken place in Canada, and advise Her Majesty not to give Her consent to the measure in question. Now, Sir, it has been admitted, I think, by the noble Lord, by the hon. and learned Member for Sheffield, and by Her Majesty's Attorney General, that if this Bill becomes the law of the land, rebels must inevitably be compensated for the losses which they sustained. Then I put it to the House whether, if that be the case, the Government are not justified in advising Her Majesty to put Her veto on this Bill? The noble Lord says the difficulty he entertains is, that it is impossible to draw the line between the loyal man and the rebel. But is it not easy, in the case of those 400 men who were taken with arms in their hands, to decide whether they are entitled to compensation or not? But the noble Lord says that many of those men were not rebels, that they were loyal in their hearts, but that they were forced to act as they did by the fear and intimidation of others. Why, Sir, if they had not courage enough to stand by their country in the hour of need—if, under such circumstances, they were intimidated by a handful of men—I cannot concur with the noble Lord in regarding them as honest men. But the hon. and learned Gentleman the Member for Sheffield said, that many of those men with arms in their hands were merely going out on a shooting excursion, and that he himself when a boy had gone out with his gun on his shoulder to kill whatever game came across his path. But I would ask the hon. and learned Gentleman if he ever went out with 800 men for that object; and if in doing so he ever mistook a red coat for a stray duck? But the noble Lord went on to say—

> "I think it would be a great hardship on a man who might have been a rebel eleven or twelve years ago, to make him, after that time had elapsed, prove himself at this time of day to be a loyal man."

I say that if he be a loyal man, and has been subject to suspicion, he will invite inquiry into his character, and be gratified for the opportunity of removing that suspicion, and clearing his character from all imputation. But if, on the other hand, he be a rebel, I cannot agree then on the hardship of the case, because I think it right that a man claiming compensation for his losses sustained during a rebellion, should show that he himself had nothing whatever to do with that rebellion. The hon. Member for Montrose, whom I do not see in his place, made one of the most extraordinary assertions that I believe even he ever made in this House. He said that the rebels of 1837 and 1838 were no rebels at all. I cannot in 1849 consent to agree on that point with the hon. Gentleman; but if they were not rebels, I ask him whether he is prepared to support a Bill which includes those who were convicted of rebellion? If he is, then that proves the hon. Gentleman to be incorrect, and that he chooses to be so. The hon. and learned Member for Sheffield says that the Bill does not go far enough. I agree with him that the Bill does not go far enough. But what is it that he complains of? It is that the Bill confines the compensation to those whose property was wantonly destroyed, but it does not extend to those whose property was not wantonly destroyed. I agree with him that the Bill does not go far enough, but for this reason, that while the rebel whose property was destroyed can claim compensation, the loyal man, who said to those who were maintaining the honour of our country—"Enter my house—make use of it and all my property as you will for the service of the Queen"—that man cannot obtain compensation. I agree with him on that ground, and that is the reason that I ask this House not to agree to this Bill until it is amended. For these reasons, and because I think it is only fair for the people of Canada that the Governor should not approve of the Bill, I shall vote with my right hon. Colleague. I do not see my right hon. Friend the Member for the University of Oxford in his place, but there are those who, I have no doubt, will be kind enough to inform him of what I am going to say. I cannot sit down without noticing the taunts he threw out last night on the conduct which my right hon. Friend the Member for Stamford has thought fit to pursue. He said that that conduct was extraordinary; and that the House was not prepared for the course which we then took. Sir, I think that the conduct of that right hon. Gentleman was extraordinary, and I much doubt whether the House, after that very brilliant speech that he made, was not surprised at the result. He commenced his speech by saying that he should not follow it up by any distinct Motion, because he was unwilling to excite animosity, and to irritate the feelings of Canada and of this country. The noble Lord, in answering the right hon. Gentleman, told him that in the expression of his opinions in that House on this subject, he had done everything to increase the hostility and to embitter the feelings of the people of Canada. And what would have been the natural answer of the right hon. Gentleman to that allegation? He ought to have said, "I regret that I feel myself forced to admit the truth of that allegation; but I felt that I was obliged to express those opinions in order to put an end to a Bill which I believe to be dangerous to that country; I felt that it was necessary that I should show the House the injustice of an Act which would compensate the rebellious, and thereby inflict ruin and disgrace upon the people of Canada." But to expose the loyal people of Canada, in that eloquent speech which has not been answered, because it was unanswerable, the injustice which this Act will inflict upon them, and at the same time to refuse, not only to remedy, but to make any attempt to remove that grievance—such a course, I agree with the noble Lord, and I think the House will be of the same opinion, is indeed likely to increase the acerbity of the feelings of the loyal portion of the people of Canada. It is not surprising that the course which my right hon. Friend has thought fit to pursue should be drawn into contrast with that pursued by the right hon. Gentleman the Member for the University of Oxford. We were anxious, as far as possible, to refrain from all expressions that might exasperate the feelings of the people of Canada. We were willing to join with them cordially in an attempt to defeat a measure that we disapproved of. We did not, however, make any bitter speeches. Sir, the hon. Member for Surrey taunted my right hon. Friend the Member for Stamford with having made a Motion without a speech. I think, Sir, that that was an unfair taunt—the sarcasm was uncalled for—I think that my right hon. Friend did make a speech, which was very pertinent and very sensible. Well, Sir, then we did endeavour as far as possible to avoid increasing the animosities existing in Canada; but at the same time we did think that we could not, entertaining the opinions that we do—having heard the speech of the right hon. Gentleman the Member for the University of Oxford—having heard the answer of the noble Lord at the head of the Government, that he could not give an assurance that even if rebels should by possibility be compensated under this Bill, the consent of the Crown to the Act would be withheld—we could not, under such circumstances, give our consent to this Act, which we believe to be derogatory to this country, and inconsistent with the great principles of justice—which we believe will tarnish the honour of the Crown, and will be a violation of the sacred duties of the Government; and, therefore, my right hon. Friend the Member for Stamford proposed a manly, open, and straightforward resolution, which, I fear—as I do not see him in his place—my right hon. Friend the Member for the University of Oxford does not intend to support.

Mr. LABOUCHERE agreed with the noble Marquess who had just sat down, that occasions might arise in which it might be necessary for the imperial authority to interfere in the proceedings of colonial legislatures; and if he (Mr. Labouchere) believed that the Bill which they were now discussing had been—as represented by the Opposition side of the House—intentionally framed with the view of insulting the British Crown, and deliberately affronting that portion of the population of Canada which particularly distinguished itself in suppressing rebellion in Canada, or in expelling external invaders over the frontiers of Canada, he should be prepared to advise the rejection of this Bill at all hazards. But he confessed that it would be with the utmost difficulty and reluctance that he could bring himself to believe that that was a faithful description of this Bill. When he considered that it was finally agreed to in the House of Assembly of Canada by a majority of 47 to 18—a majority, be it recollected, not composed exclusively of the representatives of Lower Canada, or members representing the inhabitants of French descent, but representing also, as he believed, an actual majority of the inhabitants of Upper Canada, being that portion which was occupied by subjects of British descent—he should tremble for British connexion with the province of Canada, if he could persuade himself that such a Bill was intended as an insult to the British Crown, and, as he had before said, he should be prepared, at all hazards, to vote for its rejection. He believed that the connexion of Canada with this country was most essential to the interests of both countries, and that it was one which neither part of itself had a right to dissolve. But they were not bound to maintain that connexion on terms dishonourable to the mother country; and he would rather see that connexion severed than see it maintained on terms of that description. But the more he considered this Bill—the more he had listened to the arguments that had been brought forward during the protracted discussion which had already taken place—the more he was satisfied that there was not the slightest ground for bringing a charge of that character against the conduct pursued by the great majority of the representatives of the Canadian people. He begged hon. Gentlemen to recollect under what circumstances the Bill was brought forward. This question had not now for the first been introduced into the Canadian legislature by the present constitutional advisers of the Earl of Elgin; on the contrary, the principle of this Bill was first sanctioned by an Act passed by the House of Assembly for indemnifying losses sustained during the rebellion in Upper Canada. Allusion had been made, at an early period of that evening, to that Act; and he must say that if there was any just ground of complaint as to the manner in which the present Bill had been drawn up—if there really was anything vague in its terms — such a charge might with far more justice be brought against the Act passed for compensating rebellion losses in Upper Canada. He begged to call the attention of the House to the language of that Act, than which, in his opinion, nothing could be more vague, indefinite, or general. He referred to the Act passed to amend and enlarge a former Act of the Legislature of Upper Canada with regard to rebellion losses. This was the way in which the provisions of that Act were enlarged:—

> "And be it enacted, that the powers vested in and duties required of the said commissioners under the said Act shall extend, and be construed to extend, to inquire into all losses sustained by Her Majesty's subjects and other residents within that part of this province to which the said Act extends, from the first breaking out of the said rebellion to the passing of the said Act, and the several claims and demands which have accrued to any such persons by such losses in respect of any loss, destruction, or damage of property occasioned by violence on the part of persons in Her Majesty's service, or by violence on the part of persons acting or assuming to act on behalf of Her Majesty, in the suppression of the said rebellion, or for the prevention of further disturbances, and all claims arising under or in respect of the occupation of any houses or other premises by Her Majesty's naval or military forces, either imperial or provincial."

Now, nothing could be more vague or indefinite than those words. That Act did not, as the Act which the House was now discussing, specially exempt those persons who had been convicted of high treason. [MR. HERRIES: That Act was merely the extension of a previous Act.] Yes, but that previous Act which is extended was not more definite in its language. There was nothing in that Act which would warrant them in taking so dangerous a course as the rejection of the Act which they were now discussing. The hon. Member for Warwickshire has reproached my noble Friend the First Minister of the Crown for saying that he should wait for the instructions which the Earl of Elgin proposed to issue to the commissioners under this Act, before my noble Friend advised the Crown to sanction it. Now, that was not the way in which my noble Friend made his statement. What my noble Friend said was this, that the necessary time must elapse before the Act came over in the usual course at the end of the Canadian Session, when the Crown would be called upon to express an opinion upon it; that in the interval the instructions of the Earl of Elgin to the commissioners would come over to this country; and my noble Friend did not express any doubt that those instructions would be such as to warrant him in advising the Crown to sanction this Bill. Notwithstanding the length of this discussion, he (Mr. Labouchere) could not help thinking that the question which the House was really called upon to decide lay within a very narrow compass. They all admitted that there should be a responsible government in Canada, and also that this Bill for the compensation of rebellion losses was a proper and a just measure. There could be no difference of opinion between them on the subject. The question which the House had to decide was, whether this really was such a Bill as, upon the very face of it, was not of such a character as would warrant them in approving of it. Unless they were satisfied that it was so grossly improper that they ought to interfere, there was very great danger in that House attempting to make a Bill on this subject for the Legislative Assembly of Canada. He must confess that, notwithstanding the great authority and ingenuity of the right hon. Member for the University of Oxford, and the right hon. Member for Stamford, the alterations which they suggested with reference to this Bill were open to quite as grave objections as any which could be urged against the Bill in its present shape. All he (Mr. Labouchere) contended for was this, that it was merely the duty of the House respecting this measure to take care there was nothing in it which implied an intention to reward rebels for losses sustained by them in rebellion; and that if there was no such intention, they had no right to interfere with this deliberate act of a colonial legislature. He should not be speaking the truth, if he said that he did not think it possible that after the lapse of twelve years, persons who during times of great excitement and confusion in Canada might have been more or less mixed up accidentally, from timidity or other causes, in rebellious movements, might obtain compensation under this Bill. But the people of that colony, and especially the loyal portion of them—those who were most attached to British connexion—had a deep interest in drawing a veil of oblivion, as much as possible, consistently with honour and justice, over those transactions; and his belief was, that, notwithstanding all that had taken place—notwithstanding those disgraceful riots at Montreal, in which no respectable party could have taken part, and in which the loyal inhabitants had acted in a manner to demand his hearty gratitude—notwithstanding all that had occurred, he believed he might truly say that this country and Canada had reason to rejoice that this measure had passed. For his own part, he had taken care that nothing which had fallen from him should in the slightest degree increase the excitement now existing in Canada upon this subject; but he had heard with regret many expressions in the course of this debate which were calculated to have an opposite effect. He thought it was not becoming the wisdom of that House to defend the conduct of any particular class in Canada with reference to this measure. Let them leave the various parties to these squabbles in which they indulged, and which, as in this country, were the natural result of a free constitution. That House owed it to the great empire of which they were the guardians, not to mix themselves up in an unbecoming manner in colonial disputes. The noble Marquess who had preceded him had repeated an objection which had been made by some of his hon. Friends, that this Bill did not go far enough, inasmuch as it did not in all cases provide for the payment of losses sustained by the loyal inhabitants of Canada. He (Mr. Labouchere) was not lawyer enough to say whether the noble Marquess was correct in that view of the Bill; but he should certainly doubt its correctness. He should have thought that, considering the term "just claims," and the whole phraseology of the Bill equitably construed, a loyal subject could not be debarred, under the circumstances to which the noble Marquess had adverted. But supposing the Bill was not complete, and that it did not go far enough, it was not for that House to make a new Indemnity Bill for the people of Canada. The people of Canada were the only proper judges on such matters. They had no right to interfere with the funds of the people of Canada. If he could have any doubt as to the decision of the House on this question—if he thought that the House would adopt the Amendment of the right hon. Gentleman the Member for Stamford—he, for one, should contemplate the result with the gravest apprehension and alarm. He believed that such a course would be regarded by the great body of the people of Canada as a deliberate affront to their representatives—as an imputation upon their loyalty and good faith which they did not deserve; and that they would feel that that House, upon the most trifling and inadequate grounds, had exercised that authority which, in extreme cases, he would be the last to deny they had a right to exercise, but which, in order to be maintained, must, he contended, be rendered compatible with colonial liberty, and be reserved for the most clear, distinct, and extreme cases. He denied that any such case had been presented by the right hon. Gentleman. All those hon. Gentlemen who had taken part in this debate, had expressed what he was sure was a well-grounded confidence in the wisdom and general qualifications of the Earl of Elgin for the government of Canada. He did not believe that an intelligent and high-minded Englishman, such as they all knew the Earl of Elgin to be, would lend himself to a mere faction, run counter to the opinions of the great majority of the loyal inhabitants of that country, and inflict an insult upon the Crown, and an outrage upon the feelings of those who had been the best defenders of the cause of order in Canada. He (Mr. Labouchere) therefore hoped that the House would, by a large majority, reject the Motion of the right hon. Gentleman; and he trusted that he had sufficient confidence in the good sense, and genuine loyalty, and real attachment to this country, of the great body of the people of Canada, to be convinced that even that portion of its inhabitants who might have been opposed strenuously and firmly to the Bill on which the House was then deliberating, would feel that, in the course which the Imperial Legislature had taken, they had been actuated by no other desire than to fulfil honourably and truly those high functions which the constitution of this great country had imposed upon them, namely, not to interfere upon slight and inadequate grounds with the free action of the constitutional privileges of one of the noblest possessions of the British empire.

Mr. BANKES said, that the right hon. Gentleman who had just sat down had not always been so fastidious about the independence of the Canadian legislature as he was at that moment. He (Mr. Bankes) agreed with the right hon. Gentleman, that imperial interference should be rare, and only exercised in cases which concerned the empire at large; but he could not forget that the right hon. Gentleman had originated a Motion directly interfering with the Canadian legislature in the instance of the Canada Corn Bill, against which he (Mr. Bankes) voted, though he concurred in the general policy of the question. Whatever might be his private feelings, he would not engage in hostility with a provincial Parliament if a large principle was not involved, such as came directly before them in the present discussion. Ireland had been alluded to by the hon. and learned Member for Sheffield; but if they now set the precedent for giving compensation to rebels, might they not at some future day be called upon to do in Ireland what the hon. and learned Member asked them to do in

Canada? He did not object to amnesties for the past; but when it came to be compensation for treason, he feared that the only result would be the revival of animosities, which it was the wish as well as the interest of all parties should be buried in oblivion. The question had in that instance been brought under their notice under peculiar circumstances. A right hon. Member of that House, distinguished for his powers of oratory, and for every other attribute which could win distinction in that House, had stated his objections to the Bill; and so forcible were they felt to be, that another right hon. Member had felt it his duty to take the opinion of the House on them by moving an Amendment. Looking to the objections of the right hon. Member for Oxford University, and to the answers which had been given by the Government, he felt that the present was one of those rare occasions when the House would be justified in addressing Her Majesty for some pause, in order that nothing should be done without a full and clear interpretation of the scope and intention of the measure. Under these circumstances he could not but suppose, while admitting to the fullest extent that such interposition should be rare, that a case had been made out which justified some delay on the part of the Crown in giving its assent to the Act of the colonial legislature. With regard to the question whether he, as a Member of the Imperial Parliament, was justified in interfering in this matter, and in interposing with the colonial government, he could not but remember that there had been occasions in which the Government had not shown that determination to uphold law and order even in this country. He had read in the correspondence which was published in the autumn of last year, referring to events which occurred when Lord Melbourne was in office, that the secretary of that noble Lord was charged therein with writing a letter to a person—["Oh, oh!"] Yes, he contended that that was a question analogous to this, which was the remuneration of traitors; and he replied, when he was asked how it could be looked upon as an imperial question, that there was a time when this country was in the condition of Canada, and even subject to a control and an interference which might have been dangerous to the State, and to the safety of Great Britain; and he had seen it stated in print, and in a manner which induced him to believe that the statement was true, that when the Reform Bill was in course of agitation, there was a certain secretary of the Prime Minister who was in communication with parties with the view of authorising and exciting large bodies of men to march up to London from the provinces for the purpose of carrying that measure by force. That time had passed by, it was true, but such things might again occur; and if they were now to adopt the principle of remunerating traitors—and he found that persons who had advanced doctrines dangerous to the State had been remunerated, and were in possession of advantages as the reward of the course they had pursued—he said that was an imperial question, and as such he submitted that he was justified in supporting a Motion, the object of which was to check in the colony what he would also endeavour to check in this country, and to preserve the authority of the State. In his opinion it would be dangerous to assent to a Bill having the immediate effect of encouraging traitors and conspirators either at home or abroad. He gave the noble Lord at the head of the Government credit for having at heart the interests of the empire and the Sovereign as much as he had; but before he could give his assent to a measure such as that under discussion, he must require from the noble Lord a distinct assurance that traitors should not be compensated under it.

Sir R. PEEL: Sir, I quite feel that the argument has been exhausted on this subject, and yet I am unwilling to give the vote I intend to give without a brief explanation of the grounds upon which it rests. I promise the House to condense as far as I possibly can the argument I have to address to them. And, in the first place, I must say I did not put that construction exactly on the Amendment which has been moved by my right hon. Friend the Member for Stamford which was put on it by the hon. Gentleman who spoke last. I did not consider the Amendment to be merely an address to the Crown, to come to no hasty decision with respect to any modification of this Bill. I understood that Amendment to be substantially this—to pray the Crown not to assent to this Bill until certain Amendments moved by the minority have been made in it. The Motion of my right hon. Friend, whether intentionally or from inadvertence, is, as was remarked by the right hon. Gentleman the Member for Northampton, identical with the Amendment moved by the minority in the House of Assembly of Canada in the course of the discussion upon the Bill. Consequently that which the House of Commons is called on to affirm is substantially this, that the measure approved of by the majority shall not have effect until the majority shall adopt the amendments submitted to their consideration by a small minority and then negatived. It is impossible to conceal from ourselves that if we accede to the Motion of the right hon. Gentleman, we are about to enter on a conflict of no small danger—a conflict in which we ought to engage, if the honour of the Crown imperatively require it. But before we engage in it, let us maturely consider what will be the nature of it, and what are the circumstances under which we are called on to enter upon it. We have before us a measure which provides for a certain appropriation of the funds of a great colony of the British empire. At a former period it was proposed that the compensation provided by this Bill should be made from the imperial treasury. That proposal was rejected. The present measure does not comtemplate any appropriation of the revenue of this empire. It proposes an appropriation of colonial funds to colonial purposes. The measure so proposed has been affirmed by a majority of the Legislative Assembly of the province —a majority of no less than 47 to 18. I am unwilling to refer to the character and constitution of that majority, because the act of the majority is that which, under ordinary circumstances, ought to prevail. I say under ordinary circumstances, because I am perfectly willing to admit that, if the honour of the Crown require the exercise of that authority, of which there is no question, it is an authority to be exercised; but I say that, under all ordinary circumstances, the act of the majority ought to be conclusive, without reference to the peculiar character of that majority. If you analyse the particular portions of that majority, I find it is not composed exclusively of representatives of a particular class. We are told that of that majority 31 representing Upper Canada voted on the question; and that of the 31, 17 voted for, and 14 only against, the Bill; that of the Lower Canadian Members of English descent, 10 in number, 6 voted for, and 4 against. Consequently, whether I refer to the extent or to the constitution of the majority, I cannot but think that this is an element for our consideration deserving serious attention. I consider it a perfectly different question whether the amendments proposed in the Assembly of Canada should be assented to, or whether, as they were not assented to, we ought to try to give effect to them after the measure is passed. It may be, that we might be of opinion that the proposal of Mr. Wilson in the Canadian Assembly was a reasonable amendment; and it may be that had we been members of that Assembly, it would have met our concurrence. But as that Assembly which had jurisdiction has given its decision, some of the men who approved of the Amendment may object to give effect to it by means of an extrinsic authority. The proposition for advising the Crown to reject or destroy the measure will not have the support of the whole of the minority. The Earl of Elgin calls your attention to this remarkable fact, that two members of the minority who took a very decided part against the measure, and were active in proposing amendments, were among the foremost to contend that the principle of responsible government ought to be maintained, and to declare that they would not be parties to any advice being given to the Crown of Great Britain to reject or destroy the Bill after it should have passed. The minority opposing the Bill, and friendly to material amendments in it, has not been unanimous in the opinion that it ought to be rejected by the Crown. They distinctly maintained that, having passed the Canadian legislature, it was not a Bill on which the minority ought to prevail, and that it was a Bill which ought not to be destroyed by the Crown. That Act so passed has received the concurrence of that authority who is deputed by the Crown to guard the honour of the Crown, and to promote the general interests of the colony; but with the interests of the colony to maintain also not only its connexion with the mother country, but to maintain that connexion on the only firm basis on which it is worth maintaining—the honour of both parties and their reciprocal good will. It would be most painful to me if I were called on by a strong sense of public duty to take any line which would imply reflection on the Earl of Elgin. I recollect the commencement of his career. I recollect the sanguine expectations which were formed by his first Parliamentary efforts. All these expectations have, I think, been fully realised. Those who heard the first speech the noble Earl made in Parliament —men of all parties—concurred in regarding it as a distinguished omen of a future career, honourable to himself and useful to his country. He was selected for office by the Government with which he was politically connected. He discharged in Jamaica, under circumstances of great difficulty, a very high and important office. He conciliated the confidence of those over whom he presided, and of the Government for whom he acted; and the noble Lord the First Minister of the Crown stated that the sole reason for his selection for the more important government over which he now presides, was the experience of his success in the administration of affairs in Jamaica. My firm belief is, that a nobleman better qualified for high trusts could not be found. Looking to his correspondence, considering the extreme difficulty of his position, my belief is that he acted from no other motive than a sincere desire to do his duty towards the Crown and the colony over which he presides. My conviction is, that he has acted with great firmness, with great resolution, with great impartiality; that he gave his entire confidence to the Government which was supported by the majority of the Assembly—that he dissolved the Assembly upon their advice—that when the majority of the new Assembly transferred their support to other parties, he then, under the principle of responsible government, selected for his Government those who had the confidence of the majority, and gave them, on the same principle on which he had acted with reference to his former Government, his cordial support. I should deeply regret if considerations of public duty should compel me to take any line which would imply reflection on one whose high honour and integrity no one can doubt. Considering the opposition he has encountered, the outrages which have been offered to him, I greatly fear that an erroneous construction would be put upon the performance of that act of duty, and an announcement made to the colony that the conduct of the Earl of Elgin was virtually disallowed. No risk of misconstruction ought to prevent us from discharging our duty in rejecting the Bill, if the interests of the country, and the honour of the Crown, should require us to take such a course. I can see that a great part of the difficulty which the Earl of Elgin has had to contend with was of earlier date than the difficulties connected with his own Government. The hon. Member for Staffordshire assumed it as a fact, that in every preceding Bill the claim of the "loyal" inhabitants only was admitted; whereas, in the present Bill, for the first time, the word "loyal" was omitted. I assure my hon. Friend that he is mistaken in that. This is not the first time the word "loyal" has been omitted as a qualification for "inhabitants." If you look through the papers, you will find a remarkable distinction between the case of Lower and Upper Canada in the earlier part of these transactions. Lower Canada in 1839 and 1840 was governed by ordinances. In the case of those issued by Sir John Colborne, the compensation for losses sustained during the rebellion was confined to the "loyal inhabitants" of Lower Canada. Concurrently with the issue of those ordinances, an Act was passed providing compensation in Upper Canada. "Loyal inhabitants" was omitted in that. In the case of Lower Canada, the ordinances contained the expression "loyal inhabitants," and provided compensation for them alone. In the case of Upper Canada, the expression "loyal inhabitants" was omitted, and the expressions "certain inhabitants" and "sundry inhabitants" were substituted. In a second Act, amending the first, which was passed in Upper Canada, the word "loyal" was omitted, and the claims of inhabitants generally were admitted. If you observe the oath which applied to the commissioners in the two cases, you will find that, in the case of Upper Canada, it declared that they were to make compensation to the "inhabitants," according to the terms of the Act. In the case of Lower Canada, the oath administered to the commissioners required that, when they were acting under the ordinances, they should provide compensation for the "loyal inhabitants." The legislatures have been united. An address was presented to the Governor General that he will act on the precedent of Upper Canada, and provide compensation on the same terms. That was not acted upon by the Government here, who preceded the present. When the present Government came into power, they fulfilled the address which had been moved; and the question now is, have they materially departed from the terms or principles of the Act which they have now cited as a precedent, and which they found provided compensation for the inhabitants of Upper Canada? If that precedent is disregarded, will not the contrast be invidious? In judging of the case of Lower Canada after the case of Upper Canada has been already provided for, will it not be peculiarly invidious if the Act we reject contains no provisions materially at variance with those contained in the Act which applies to Upper Canada? It may be asked, why did not some one give the Earl of Elgin a caution on this point? Why did no one make him aware that there was no distinction made between loyal and disloyal inhabitants, or urge that the honour of the British Crown was concerned, and that the claim of the loyal only should be admitted? What took place in Lower Canada? Lord Metcalfe appointed a commission. Earl Cathcart assumed the Government. A secretary was appointed to that commission, and issued instructions with respect to a certain classification which was to be made. The secretary of the commission puts a question bearing on that matter to Mr. Daly, the Provincial Secretary. The answer conveyed by Mr. Daly is—"it is not the Governor's intention that in classifying the persons who shall receive compensation, you are to adopt any other principle of classification than that which was to be drawn from the evidence furnished by the sentences of the tribunals." In consequence of these instructions, the commissioners originally appointed by Lord Metcalfe proceeded to make their award. Under these circumstances, does the honour of the Crown require from us the extraordinary intervention which is proposed? Shall we control the discretion of the Crown in this stage of the proceedings, by interposing our advice? Shall we assume for the popular branch of the Legislature that responsibility which now rests with the Crown, and properly belongs to it; and shall we take upon ourselves the duty of advising the Crown to suspend or annul this Act? My opinion is, that it is a much wiser course to leave the matter to the discretion and the responsibility of the Crown, and not enter into a contest with a popular assembly in Canada, which, if the Motion should be entertained, I, for one, see to be inevitable. At the same time I cordially agree with my right hon. Friend in the sentiment he expressed, that it would be much better for us to dissolve our connexion with a colony, however important and however powerful it may be, than to maintain it at the expense of the honour of the Crown. I must also say that I feel a deep sympathy with those gallant men who did stand by the Crown in the hour of difficulty during the rebellion of 1837. I am not surprised at the sentiments on this head to which my right hon. Friend gave utterance. It would, indeed, be most unwise in us to confound the distinction between loyal and disloyal men. I acquit those loyal men who stood by the Crown in 1837 and 1838, who resisted the American invasion, and the efforts made by the rebels to dissever the connexion between this country and Canada, of any participation in those outrageous and disgraceful acts which have recently occurred in Montreal. I am sure there is not a man in this House, whatever view he may be inclined to take of this question, who does not repudiate any connexion with those disloyal and disaffected men who had insulted the Governor General, and committed acts of incendiarism; and I believe that that very party in Canada whose loyalty I most applaud and admire, and whose past exploits in vindication of British connexion I never shall forget, is as little responsible as we are for the acts of the persons to whom I am referring. This, indeed, has been proved by the address of that party to the Governor General, in which it cordially placed upon record the expression of its indignation at the outrageous acts which had been committed. But at the same time, whilst I admire the fidelity with which this party has adhered to the British connexion, I cannot consent to our making ourselves partisans in regard to Canadian politics. Our only hope of maintaining the connexion permanently, and with reciprocal advantage to the mother country and the colony, rests upon our acting on that principle on which the Earl of Elgin has acted—that of maintaining strict impartiality between the opposing parties. It is said that we are about to make compensation to rebels. I know that that is the point with respect to which many Gentlemen will, with honest feelings, give their votes. It is said that the two exceptions which are introduced into the Act of the Legislature of Lower Canada constitute the difference between it and the Act of Upper Canada; and it is contended that the exceptions, in point of fact, constitute the rule, and compel the admission of the claims of all rebels who do not fall within the two categories. Now, we have the positive assurance of the Earl of Elgin that there was no intention on his part, or on the part of the promoters of the Act, to encourage rebellion or treason in Canada. In that assurance those with whom the Governor General has acted have concurred. We have the declaration of his Lordship's Attorney General, M. Lafontaine, that those parties had not the slightest intention of doing what has been attributed to them. But what says the Earl of Elgin? He says that in the Assembly—

> "It was answered that the principle on which the Bill was framed had already been acted upon in Upper Canada,"—[weigh these expressions]—"and that Parliament, by its unanimous vote, had given a pledge that it should likewise be applied to Lower Canada; that it was notorious that much property belonging to unoffending persons had been wantonly destroyed in this section of the province during the rebellion; that it was false to affirm that the measure was intended for the benefit of rebels; that, on the contrary, all convicted rebels, as well as those who, having confessed their guilt, were sent to Bermuda, were expressly excluded."

Does he limit the exclusion to them? He goes on—

> "And that for the rest, the commissioners appointed under the Act would be bound, under the sanction of an oath, precisely in the same way as the commissioners for Upper Canada had been before them, to examine minutely into the justice of all claims preferred before them, and to apportion the indemnity according to the true intent and meaning of the Act."

If that be so—if the manner in which the principle of the Act of Upper Canada has been applied is an indication of the manner in which the principle of the Act is to be applied in Lower Canada—if the commissioners are to determine upon claims in the latter province on the same principle on which the commissioners have settled claims in Upper Canada—I appeal to you, whether it would be wise in us, with the limited information in our possession, to draw this invidious distinction between Upper and Lower Canada, and to tender advice to the Crown which would impose upon it the obligation of adopting a different course towards one province from that which has been pursued towards the other, and against which we, although cognisant of the fact, made no objection. In addition to the assurance of the Governor General, we have that of the noble Lord at the head of the Administration, that the decision of the Government is at least suspended until the instructions which are to be received from Canada shall arrive. Her Majesty's Attorney General, also, having been appealed to to give us the legal construction of the Act, stated, as a lawyer, that, on considering the preamble of the Act, he was of opinion that the exceptions introduced into it did not necessarily limit the discretion of the commissioners. If, then, the same latitude be allowed to the commissioners of Lower Canada as was given to the commissioners of Upper Canada, I deprecate the adoption of a course by this House which would establish a distinction between the two provinces. As I said before, I would not confound the distinction which exists, both in moral feeling, and according to the technical rule of law, between loyalty and disloyalty. I would deprecate the day when the House of Commons should be unwilling to give due credit to men who, in time of difficulty and danger, rallied under the British standard for the protection of British interests; but I cannot allow that feeling, warm and cordial as it is, to influence me to vote for a resolution which I believe would prove destructive of the principle of representative government in the colonies—which would constitute a precedent for constant interference in the affairs of possessions with whose local concerns we are but imperfectly acquainted—and which would cloud the prospect I trusted was opening of a long, permanent, and cordial connexion with a colony, in the welfare and prosperity of which England ought to feel the deepest interest.

Mr. DISRAELI: Sir, before I make the few observations with which I shall trouble the House upon the question before it, it is well to correct an important error into which the right hon. Member for Tamworth inadvertently fell at the conclusion of his speech. The right hon. Baronet quoted a passage from Lord Elgin's despatch, as if it expressed Lord Elgin's own opinions, whereas it was, in fact, only a portion of an able and perspicuous summary by Lord Elgin of the arguments advanced on both sides of the question. [Sir R. Peel said, that he did not intend to read the passage as if it contained the Earl of Elgin's own words.] That point having been set right, I must say, that, after having listened to all that has been said this evening, I cannot understand why the debate was adjourned last night. I am still of opinion that the question might then have been satisfactorily settled. The opinions of the three most considerable parties in the House had been represented by three of their most distinguished Members. That section of the House, too, which had taken an active part in Canadian discussions during the last fifteen years had had an opportunity, through an able organ, of stating their views; and, to render the debate complete, an accomplished and amiable Gentleman, whom they all respected and regarded, the hon. Member for Elginshire, and who was nearly connected with the Governor General, had also addressed the

House. The case appears to me, after all we have heard, not to have lost its original simplicity. The right hon. Baronet the Member for Tamworth has told us that under a system of constitutional government the opinion of the majority should be conclusive in ordinary circumstances. Who denies that proposition? The right hon. Baronet, warming up in the course of his address, told us that he thought the principle of constitutional government in Canada was dependent on our vote to-night; and the right hon. Member for Northampton had also declared that the question at stake was whether or not there should be constitutional government in Canada. The question at stake is, whether the Queen shall exercise her constitutional veto or not. If the opinion of the majority is to be always conclusive, how could there be such a thing as the exercise of a veto? It was surprising that a question of the propriety of exercising the Royal veto should, even with the ingenuity of debate, be perverted into a case involving the continuance of responsible government in Canada. Whatever may be my opinion as to the circumstances under which the Canadian constitution was first framed, I say frankly, that that constitution being established, nothing could be more impolitic, or, to my mind, more unprincipled, than for the House of Commons to adopt a course which would, directly or indirectly, prevent it from having fair play. I am so much impressed with the importance of this principle, that I listened with much interest and with some alarm to an intimation from the right hon. Gentleman the Member for the University of Oxford, who seemed to anticipate the expediency of severing the alliance between the two Canadian provinces, and forming the whole provinces of British North America into one federal union like that which was shadowed forth to us a few nights ago with respect to Australia. I have the impression that that is a scheme which should not be adopted without very mature consideration; and I am confirmed in that apprehension by reading the resolutions that were passed at a very large public meeting recently held in Frederickton, New Brunswick, denouncing this very Bill, the fate of which we are now discussing. Certainly, if one might form an opinion of the feeling of the province from what took place at that meeting—a very considerable public meeting, mind you, convened and carried on by the most distinguished inhabitants of New Bruswick—I would say, that at this moment there is no great inclination for a federal union on the part of that province with Canada. Therefore I think that the united province of Canada should be permitted fully and freely to enjoy the constitution which it adopted some years ago, and which we ourselves thought proper to sanction. The question before us, therefore, is not the existence or non-existence of the constitution of Canada, as has been asserted, among others, by the right hon. Gentleman the President of the Board of Trade, who appealed to us to-night on the subject. In listening to that right hon. Gentleman, I was reminded of a speech which I heard from him about ten years ago on a subject of a congenial nature — I was reminded of that eloquent harangue which he delivered when he came forward and called upon the House to abrogate the constitution of another colony. I mean the constitution of Jamaica. Who could suppose that the right hon. Gentleman, who feels so alarmed and indignant that we contemplate the possibility of Her Majesty exercising the constitutional functions which it is not disputed She possesses, only ten years ago came forward and absolutely proposed to suppress that responsible government of which he spoke so highly to-night—to abrogate by wholesale and by one measure a constitution of a most ancient, powerful, and loyal colony? No one can for a moment maintain that it is not the constitutional privilege of Her Majesty to exercise her veto of suspension. That privilege is recognised by the people of Canada themselves. But the most remarkable thing about the whole affair is, the extreme delicacy which seems to actuate Ministers when the case of a colony is before the House. Would that they were in the habit of applying the same sensitiveness to their foreign relations! Those noble Lords and right hon. Gentlemen whose nerves would not allow them to counsel their Sovereign to exercise, if necessary, a constitutional function, because, forsooth, it would be an interference with a colony connected with ourselves, are busying themselves in every quarter of the world, and interfering in all sorts of affairs in countries with which we have no connexion. There is hardly a Government in the administration of which they have not some hand; and in Spain even they absolutely instructed their envoy to call upon the Ministers of that country and recommend them to study public opinion. With respect to the case before us, I think it a very simple one. We are not going to attack the constitutional privileges of the Canadas. We are bound by policy and by honour to maintain—and I hope it is the feeling of all parties that we ought to maintain—them in the full enjoyment and the full exercise of their constitutional rights. The case before us is simply this—is there or is there not a scheme produced and promulgated under the constitution granted to them, which affects the honour and grossly tarnishes the credit of the Crown of England? Is there or is there not an animus in the conduct of the Ministry of Canada, at this moment, which is hostile to those interests which it concerns the honour of the Crown to see should be justly dealt by? Here is a case which the House may as well be made acquainted with, and which has only become known to myself, at least in detail, within the last hour. I allude to the case of Colonel Chisholm. Colonel Chisholm is one of those gallant gentlemen to whose high qualities the right hon. Gentleman the Member for Tamworth has just done justice. During the unhappy rebellion he arrested a well-known traitor, named Finlay Malcolm, for whose apprehension a reward of 250*l.* was offered. It so happened, however, that being a man who thought himself sufficiently rewarded by the exercise of his loyalty and the fulfilment of his duty, he did not claim the reward of 250*l.* But the circumstances of Colonel Chisholm, unfortunately, are not so prosperous at this moment as they were ten or twelve years ago. It is probable his fortune has been affected by some of those economical experiments which, according to the Earl of Elgin, your own great authority, have not a little contributed to the disaffection of the province of Canada. Hearing that the whole question of rebellion losses and rewards was to be reopened, this gentleman addressed the Government of Canada, and courteously reminded them that they stood indebted to him in the sum of 250*l.* for recognised services. He made no claim for interest, as I find the rebels invariably do. What answer did he receive from the Canadian Government? I will read you the reply of the Colonial Secretary to Sir Alan M'Nab, who interested himself in behalf of this gallant officer:—

> "Secretary's Office, Montreal, March 28, 1849.
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> "Sir—I have the honour, by command of the Governor General, to inform you that his Excellency has had under his consideration in Council the petition (transmitted with your letter of the 5th inst.) of Lieutenant Colonel George Chisholm, praying for the payment to him of 250*l.* offered by the Government in December, 1837, for the apprehension of Finlay Malcolm, Esq. His Excellency directs me to state to you, for the information of the petitioner, that the alleged claim of Mr. Chisholm having been allowed to lie dormant for so long a period, cannot now be entertained. I have the honour to be, Sir, your most obedient servant, "J. LESLIE, Secretary."

This was the answer which Colonel Chisholm received at the very time when the Government of Canada were recognising claims of an equally old date—the only difference being that the claimants in those cases were not loyal men, but rebels. I said just now, that I was indisposed in every way, in consequence of the disagreeable events which have occurred, to entertain for a moment the project of remedying the existing evils, however pressing they may be, by dissolving the union of the two provinces. I consider that to be a very coarse and bungling expedient. I cannot but remember that the scheme was devised by eminent statesmen, to whom I give credit for ampler knowledge and deeper consideration of the subject than I can claim for myself; and though I may have more limited information and less power of thought than they, I still see in that union the elements of success and prosperity. And why do I see in it those elements of success and prosperity? Because, although Lower Canada, from the amount of its population and other circumstances, may, by combining with the disaffected party in Upper Canada, have the power of occasionally creating some political inconveniences, yet I see, in the quality of the population of Upper Canada, and in the circumstances which must occasion a rapid increase of population in that country, a remedial agency which must ultimately prevent those inconveniences from being too much felt. But that very conviction only impresses me the more with the importance of our avoiding, under all circumstances, the permitting any party in Canada unreasonably to triumph over the other. It is very possible that, supported by the Ministry, and by a majority of the House of Commons, the party now dominant in Lower Canada may, for a brief space, fill all the high offices in the State—may for a brief space treat loyal men like Colonel Chisholm in the manner I have just stated to the House; but all this time, remember, that the population and power of Upper Canada will be increasing in a ratio far beyond the population and power of the lower province—all this time the feeling of vengeance will be cherished by the conviction that they have been unjustly treated by a Sovereign to whom they were faithful, and a country whom they served too well. All this will be acting upon the minds of those men; and I ask you in what situation will the Lower Canadians be when the wheel turns round, and the Upper Canadians have the power, which you cannot, according to their constitutional scheme, prevent them from attaining? It is all very well to talk about the opinion of the majority being conclusive under ordinary circumstances. It is all very well to come forward and say that the question at stake is the question of responsible government. These are empty phrases, fit only for debating clubs—fit only for boys—and not for practical men; men who have a knowledge of circumstances and details, and whose position in this House renders them responsible for the policy they recommend. I say that the situation of the two provinces, according to the system you are now fostering and encouraging, is one which must lead not only to bitter feelings and violent passions, but to deeds of violence, and blood, and disaster far more terrible than any that have yet occurred. But have you no remedy in this difficult and delicate position? You have a power reserved to you in that very constitution which you laud so highly; and by a wise, politic, and temperate exercise of that power—by mediating between the contending parties—you may insure the prosperity of their country, as well as the greatness of our own. I see nothing in the course you are pursuing, whatever may be your plea for it, but a course that is unwise, impolitic, crude, and perilous. The hon. and learned Member for Sheffield, and others, have introduced into this debate the case of Ireland. Now, I have contemplated, as every Gentleman has contemplated, what would be the consequence if a repeal of the Legislative Union were to take place between England and Ireland, without the severance of the political tie. No one can for a moment doubt what would be the effect of such a scheme upon Ireland. With absolute internal independence there would, of course, be a party to assert, and, if possible, to enforce, external independence. In all the high places, the repeal party would necessarily be the holders of office. The system of legislation which must then prevail in Ireland, would not favour, but rather discourage, emigration from the sister isle. They would oppose it as necessarily tending to disturb the balance of the two rival parties. To the minority this might be mortifying, might be galling in the highest degree; but it would be perfectly constitutional, and, much as we might regret the position of that minority, it would be impossible for us to interfere. But suppose the dominant party were to announce their intention to provide some compensation for the descendants of that generation which had been less fortunate than themselves in obtaining the results which they enjoyed: suppose, for instance, they were to propose a compensation for the descendants of Emmett, or of Mitchell and Meagher? There must be a rate in aid for the purpose. The rate in aid would extend to Ulster. After what we have seen of the feeling of Ulster recently in respect to rates in aid for much less offensive purposes, I can scarcely suppose that Ulster would not then feel that the moment had arrived when it must take up a position. Well, then, suppose the dominant party called upon England to pour its regiments into Ireland to raise a tax to remunerate the descendants of the "United Irishmen?" You might come and vindicate your proceedings by constitutional maxims. You might tell us the opinion of the majority must be conclusive. The right hon. Gentleman the Member for Northampton might make a plausible speech, and tell us the question at stake was not the indemnity of any individual, but the system of responsible government. All this you might do; but I ask you, at the same time, would you not be destroying the empire, and perilling the kingdom? I cannot go into the case of the precedent of Upper Canada as an authority for the law which has been passed in Lower Canada. It is too late to enter into those details. ["Oh, oh!"] Well, then, I will enter into them. ["No, no!"] Well, then, very briefly, but I will make one observation. I am told by the right hon. Gentleman the Member for Tamworth—in fact, it is the foundation of his main argument—that the word "loyal" was not inserted in the law of Upper Canada; and Gentlemen, one after another, the hon. Baronet the Member for Southwark, and men who have given considerable consideration to the subject, found one of their main arguments in the circumstance that the compensation law for Upper Canada was wider and less restrictive than the law which was passed for Lower Canada. And why was it so? Because there were no rebels in Upper Canada. Because the inhabitants were all loyal. There are four or five cases to the contrary which you brought forward, some of which you have yourselves given up, but all of which resolve themselves into payment for commissariat supplies. Those are the only cases for the indemnity of rebels you have brought forward. Since this discussion has commenced, I think I can mention it from memory, I have seen a despatch of Sir John Colborne, the commander in chief at the time, in which he distinctly lays it down that all persons who furnished supplies to the troops, without reference to any part they might have taken in the rebellion, or their conduct otherwise, were to be repaid for those supplies; and of the five cases you have brought forward of rebels indemnified in the upper province, four resolved themselves into commissariat payments for commissariat supplies, and the other was a ludicrous error—the case of Dr. Duncan, which the right hon. Gentleman last night destroyed. There was this distinction between the two provinces, which explained the difference in the preamble of the two Acts, that, in fact, there were no rebels in Upper Canada. We know from Sir F. Head's celebrated despatch how much military force was required to suppress the rebellion there. The disturbers were Americans. There were no indigenous rebels. It was unnecessary to limit the indemnity to loyal persons, for there was no other class that could be contemplated. So much for that precedent. We have been told in the course of this discussion—in fact, considerable emphasis has been laid on it throughout the whole of this debate—that public opinion in Canada has been demonstrated in favour of the Governor General in a very remarkable manner. According to my view of the question before us, we have nothing to do with these details, and the very Gentlemen who insist on them so much are the very Gentlemen who say, "We do not want to have the party politics of Canada introduced into the debate." No sooner have we agreed to this position, than they consistently refer to the addresses voted to the Governor General, and which Her Majesty's Ministers with such sedulous care have placed on the table. I admit these are points which have nothing to do with the question—that we ought not to go into the details whether the inhabitants of this county, or that township, are of opinion that the Governor General acted rightly or not. I think the case is a simple case, as I said from the beginning. The question is, whether Her Majesty should be advised to exercise constitutional functions on account of extraordinary circumstances, and those extraordinary circumstances being, in our opinion, the reward of men who had rebelled against Her Government. Some of you call that a local question, and some of my friends treat it as an imperial question. It is both, but more than either, because it is a national one. I should have been perfectly willing, if I had made any observations yesterday, in the course of ten minutes to have placed that question before the House; and if I have referred to details which I think you all have unnecessarily introduced into this discussion, it is because I know you have introduced those details to influence public opinion; and if you think they are elements which can influence public opinion, it is my duty, if it be in my power, to show that they are utterly worthless. Here is a volume on the affairs of Canada. It is the fourth section of papers which contain the great bulk of the addresses to the Earl of Elgin. A Minister of the Crown quoted this evening passages in answer from the Governor General to one of those small constituencies who addressed him. It was from the answer to the address from the Victoria district. Let me just refer to a passage in that answer. The Earl of Elgin says—

> "It is my firm belief that they did not intend, in passing this Bill, to countenance rebellion, or to compensate the losses of parties guilty of the heinous crime of treason, but to make provision for the payment of claims arising from the wanton and unnecessary destruction of property."

If that is the opinion of the Earl of Elgin, it is only the opinion which, by the Motion the right hon. Gentleman brought forward, we wish to support him in. We are offering no slur to the Earl of Elgin by this Motion, because all we are going to call upon you to affirm is this passage in answer to the address from the Victoria district, quoted by one of Her Majesty's Ministers. But that is not the point to which I wish to call the attention of the House. What I wish to do is to show you how these addresses have been produced. I am not going to fall into that too much used habit of decrying the expression of popular opinion. I think the right of petitioning is not only most valuable, but exercises great influence in this country; and no popular opinion is more fallacious or more to be deprecated, and which hon. Gentlemen should take every care to remove and enlighten, than that petitions to this House are of no effect whatever, but are thrown on the table, and are thought of no more. But I hold that when public opinion seeks to express itself by extraordinary though constitutional methods, it should do so by public meetings, fairly and constitutionally held. How have the meetings in Canada been held? Let me read a letter, written on the 2nd of May, from Montreal, by a very celebrated, or at least very notorious, person. It is as follows:—

> "Montreal, May 2, 1849.
>
> "Sir—You doubtless will have heard that after the insults to the person of the Governor General, the burning of the Parliament House, and destruction of the property of the citizens, certain disaffected men have petitioned Her Majesty to recall Lord Elgin for having acted up to the constitution in sanctioning measures which had been concurred in by the other branches of the Legislature.
>
> "Not to address the Queen under these circumstances, praying her Majesty to maintain Lord Elgin at the head of the Government of Canada, would be to declare that responsible government is no more desired; it is therefore to be hoped, that you in particular, and all those, whatever otherwise be their political opinions, who, like you, appreciate the advantages of possessing free institutions, will sign and cause to be signed the petition to the Queen, of which a printed copy is herewith addressed to you.
>
> "You will cause it to be signed by every one, if possible, after which you will please address it to the honourable the Secretary of the province with all possible speed.—I have the honour to be, Sir, your most obedient and humble servant,
>
> "WOLFRED NELSON."

In consequence of that instruction, a variety of addresses were forwarded to the Secretary of the Government, but there was no instance of a public meeting having been held. Here, for example, is the town of Coburg, which is entirely devoted to the Governor General and his policy, and signed by 653 signatures. Since this debate commenced this evening, I have received this letter from Coburg, addressed to the same gentleman, Sir Alan M'Nab, whose acquaintance I am not so fortunate as to have the honour of possessing; but who is one of those distinguished and gallant men to whom the right hon. Gentleman the Member for Tamworth so justly offered the meed of his approbation. The statement is rather long: I will give the result. There never was any public meeting held at Coburg; and all the male inhabitants above 21 do not amount to 653. They all signed this document, and the number amounts only to 210. This is important; this must not be confounded with our criticisms on petitions on our party questions, because I think both sides, perhaps, are open to criticisms of that kind. The remedy is soon found, and the effect is not very great; but the effect is very great when these surreptitious documents are printed in the Royal *Gazette*, and then in their official form transmitted to us by the Secretary of State, and give a foundation to solemn admonitions from the right hon. Gentleman the President of the Board of Trade. Why, all these documents are very well as far as they go, no doubt; but, considering the manner in which they have been got up, the very meagre result of this congratulatory conspiracy, and the pompous manner in which these addresses have been introduced to our notice, they may fairly be described as about as much rubbish as was ever introduced to this House. I will now say a word as to the Amendment of my right hon. Friend the Member for Stamford. I have heard that Amendment severely criticised; but no one has ventured to say that it was an informal, unconstitutional, or irregular proceeding. There was a Gentleman, indeed, last night, who complained that it had not appeared upon his breakfast table. I can easily conceive that this hon. Gentleman, preparing his mind early in the morning for the due discharge of his senatorial duties, might be surprised that a Motion should be proposed of which he had not been informed by the usual machinery. But it is quite a new thing to say that no Motion should ever be made without a formal notice upon the Paper. This Amendment followed as a matter of course upon the question before the House; and I say, that due notice having been given that one of the most eminent Members of this House was about to bring forward the affairs of Canada, and the Prime Minister having fixed a day for the discussion at a considerable interval from the announcement of the intention of the right hon. Gentleman the Member for the University of Oxford, it is perfectly idle to pretend that the House has been taken by surprise. It could only be proved that they were taken by surprise by supposing that we were the most incapable of all men—that we were utterly uninterested in public affairs—and that we were coming down here at this great imperial and not local crisis to hear a powerful exposure of your maladministration, and a most unsatisfactory refutation of these charges by the First Minister, and that then, forsooth, we were to go to dinner and do nothing. Sir, I doubt not that hon. Members near me will persist in the course they have taken, and that they will unanimously support the Amendment of my right hon. Friend. You may give up your colonial empire, as you are advised to do by some Members of this House. You may, if you choose, destroy the surest sources of your wealth and the most certain support of your power. Do it, if you will. I will not enter into that question now. Sacrifice, if you will, the wealth of the nation and the power of the Government to the economic phantasies of the hour. Do so, but at least do this—if the empire of England is to fall, and to fall by our votes, at least do not sacrifice the national honour or the Royal word.

MR. SIDNEY HERBERT (who rose amidst impatient cries for a division) said, that he hoped the House would grant him a very few moments. He had no intention of going into the merits of the question; but he wished to state, first, why, and how far, the debate of the evening had confirmed him in the opinion that they were justified in not having allowed a division to take place on the preceding evening; and, secondly, the grounds upon which he was prepared to defend the vote he was about to give. He thought the debate of that night alone proved how necessary it was that they should not have come to a decision on the preceding one. He agreed in the assertion, that upon a question affecting imperial interests, upon which great excitement had been produced amongst a large and most respectable portion of the community of the colony, they were bound to listen to the expression of those colonists' opinions. And he thought it would have been indecent to have come to a decision at once upon a Motion of which no notice had been given, in the absence of many Gentlemen well calculated, by their experience and knowledge, to take part in the debate, and who could not have taken part in it, or recorded their opinions with their votes, had the division been pressed upon the first night of the discussion. They had seen that night how necessary it was to protract the debate. They had seen that they even still came to the consideration of the subject without sufficient grounds for being confident of the accuracy of the division. The noble Lord the Member for the city of London had repeated the words used by a Minister high in office in Canada, in which he expressed his opinion, and pledged his honour, that the measure was not intended to compensate rebels. They had all read the answer of the Earl of Elgin, that the measure was not intended to compensate rebels; and if those opinions were conclusive as to the manner in which the measure would be ultimately carried into effect, he agreed that it would not be an imperial question, but a local one. It would remove the question from the Imperial Parliament, because it would remove the imperial question whether rebels were to be compensated for their rebellion. But, when they came to look into the Act itself, they found words that so little bore the interpretation put upon the measure by the Governor General, that it was difficult to reconcile them with the declared intentions of it. It could not be doubted but that it was impossible for the commissioners to narrow the scope and intent of an Act of Parliament; and what then became of the assurance of the noble Lord, that by the instructions to them he could rectify any doubt or misgivings the House might entertain on the subject? The noble Lord had stated, with respect to the terms of one proviso referred to by the right hon. Member for Stamford, that a loyal man whose lands and houses were taken possession of by the rebels, and whose houses were destroyed in the dislodgment of the rebels by Her Majesty's troops, could not claim compensation, because his property could not have been "unjustly, unnecessarily, or wantonly" destroyed. And the Attorney General, with great candour, having destroyed all hope that might have been left of the evil being prevented by the instructions of the noble Lord, proceeded in a lucid and able manner to state his views of the probable working of the Act. But he (Mr. S. Herbert) must say, although he did so with all humility, that he could not but regard the hon. and learned Gentleman's view an impossible construction of an Act of Parliament. And although they had all the solemn assurances they had heard from the Government, still, if the letter of an Act to a man's ordinary sense appeared at direct variance with them, then he said it was most important that they should have a pledge from the Government that no precipitate assent would be given to the measure. Until such explanation should be received, and such instructions, if they could be drawn, should be drawn, or until some learned Gentleman in Canada, on whom properly devolved the duty of interpreting the law, should have given an opinion that appeared to men in its ordinary sense to have some better foundation than that of the chief law adviser of the Crown at home, then he should say that a case had been made out for delay, and that looking as he did on the Motion—which he confessed he did not consider well worded or well drawn up for its purpose—but looking on it as not pledging the Government by any means to disallow the Act, but as asking for delay till further explanations were received from a country where Acts were loosely worded, and still more loosely acted on—he would support the Motion as coming nearer his views than any other course did, although he could not say he liked its present shape. He must be allowed, too, to say, that until the instructions referred to by the noble Lord were laid before Parliament, and not only so, but had received its deliberate consideration, he thought it would have been a wiser and more politic course for the Government to have entirely postponed forming their opinion on the question; and, feeling that if he voted against the Motion, his vote might be construed into supporting the Bill, although with some difficulty and reluctance in arriving at such a conclusion, he had yet made up his mind to vote in favour of the Motion.

Lord J. RUSSELL: Sir, as I have not addressed the House since the Amendment was put by the right hon. Gentleman the Member for Stamford, and only answered a question last night with respect to the adjournment, I must ask the House to permit me, not certainly to enter into a lengthened argument on this question—that has been sufficiently discussed; but to call attention to two or three points which, as it seems to me, ought to be borne in mind before we come to a decision on this question. Sir, before I state anything with respect to the main question on which we are to divide, I think it right to take some notice of allegations that have been made, chiefly by the hon. Member for Bridport, but which have been followed by others, affecting the character of persons holding office in Canada. I do not think it right that assertions should be made affecting the character of persons holding those official situations, without proof and ground being given for the charges. The hon. Gentleman, as I understood him, stated that M. Lafontaine and Mr. Baldwin were persons notoriously guilty of treason—that they were avowed and confessed rebels. Now, I believe that the fact with regard to the first of these gentlemen, M. Lafontaine, is, that at the time of the insurrection in Canada, he was in this country—that a warrant was issued out against him—that he returned to Canada, and the warrant was never acted upon—that no proof was ever attempted to be given of his participation in any treasonable or insurrectionary proceedings. With respect to Mr. Baldwin, I never heard that there was any charge.

Mr. B. COCHRANE: Was not a reward of 500*l.* offered for the apprehension of M. Lafontaine?

Lord J. RUSSELL: I never heard of it; but let me observe that the hon. Gentleman stated (as I understood) to the House, or wished to convey to it the impression, that lately for the first time M. Lafontaine and Mr. Baldwin were honoured with the confidence of the Queen's Representative in Canada, and that they now held office for the first time. I think it necessary, therefore, to state, that in the month of November, 1842, it appears by the *London Gazette* that M. Lafontaine was appointed by the Queen as Attorney General, and Mr. Baldwin at the same time, I think, as Solicitor General, by Lord Stanley, who was then Secretary of State for the Colonies. I say, then, whatever have been the accusations that hon. Gentlemen have thought it necessary to bring forward for the purposes of the present debate, that my Lord Stanley must no doubt have been satisfied of the incorrectness and falsehood of those impressions, and that the gentlemen whom he recommended to hold the highest offices in Canada were loyal men to whom these offices could safely be entrusted. Now, Sir, with regard to the main question on which the House has to decide, and on which I think the right hon. Gentleman who spoke last has not sufficiently reflected, the question is—and I wish to state it clearly and with perfect fairness—the question is this, that there having been passed Bills and Acts for indemnifying persons who had suffered rebellion losses in Upper Canada, there has now been passed an Act for indemnifying persons in Lower Canada; and the question is, whether the representatives of the Crown having consented to these former Acts, the Ministers of the Crown never having advised their disallowance, there is such a difference between these previous Acts and the present as to make it right, and not only right but necessary, on the part of the advisers of the Crown, and on the part of this House, they having allowed the confirmation of these former Acts, to stamp the Act with disallowance? Now, Sir, on that point the right hon. Gentleman the Member for Tamworth founded his argument, and showed, as I thought, that with respect to these Acts there is not any essential difference; but with regard to restrictions, that there are more restrictions and conditions in the present than there were in the former Acts. I listened to the hon. Member for Buckinghamshire to see what answer he would attempt to offer to that argument, and to see in what point he would prove this Act differed so much from the former Acts, that the honour of the Crown was involved in disallowing this Act, while these other Acts were not to be blamed, but were passed rightly and with a due consideration to the honour of the Crown. But, in fact, I found that he entered into no argument whatever. But he gave us an illustration with respect to the heirs and descendants of Emmett and Meagher, and others guilty of high treason in Ireland; just as if this Act was intended to give persons in Canada indemnity for such acts of rebellion. It may be made an argument, that it is possible that persons guilty of rebellion may receive compensation under this Act. That is the utmost length to which the argument can go; but to say that the Act is expressly intended for the purpose of rewarding persons guilty of rebellion, is to confound two things totally and essentially wide as the poles asunder. Now I readily admit that it might be very possible that there should be an Act passed in Canada to which it would be necessary for the advisers of the Crown to refuse their sanction and proceed to disallow it. If, for instance, this Act had been an Act by which compensation should be given to those who were sent out to Bermuda for their loss in being sent out there, I think that that would have been an Act to which the Crown could not consent. Therefore I don't regard the principle of responsible government as implying that every Act passed in the colony ought to be consented to by the Imperial Government. But when no possible allegation can be made, but there is merely the vague assertion that the former Act was for the loyal, and that this is for the rebellious, I am not justified in giving any advice to the Crown founded on such vague suspicions, for which no proof whatever can be given. The right hon. Gentleman the Member for Cardiff, who began the debate this evening, endeavoured to controvert the assertion made in Canada, that certain persons guilty of rebellion received compensation under the former Act; but I believe it is quite certain that two or three persons at least, who were first outlawed, but were afterwards pardoned, did receive compensation under that Act. It might be said that the compensation was only given for furnishing supplies to the Queen's troops; but I do not think that answer, if compensation was given, could prevent its being truly considered that, even although it was given on these grounds, there was an evasion of the spirit and intention of the Act. Well, if those who had taken this ground had utterly failed to make out that there was any real difference between this Act and the former Acts, excepting that this one is more restrictive than the others; and if no compensation can be given under this Act, excepting for losses inflicted unjustly, unnecessarily, and wantonly; if destruction of buildings, from which the rebels fired at the Queen's troops, and cases of that kind do not come under the Act—if such be the case, and if, therefore, this House has no good reasons to suppose that rebels would receive compensation under this Act—I ask, what is it that it is now proposed to do by this Motion? Is it that it is proposed to you to defer your decision, and wait some time longer? Nothing of the kind. What really is proposed to you is, that the Royal assent should not be given to this Act. I have no doubt but that the Motion means, looking at the peculiar nature of the constitution of Canada, that this Act should be hindered from coming into operation, and that therefore it should be disallowed by the Crown. Now, what is the Amendment? It is to amend the Canada Act in such a way, as my right hon. Friend the Member for Northampton has observed, as to make it agree with the Act as it would have been framed had the minority of the Canadian legislature carried their proposition. Now, I ask the right hon. Gentleman who spoke last, and who is going to vote for this Amendment, how does he imagine it possible for that intention to be carried into effect? You say that if the majority of the House of Commons differ with the majority of the legislative assembly of Canada, and agree with the minority, that you will give such advice to the Crown, that the Crown shall be obliged to disallow the present Act, and disallow any Act which does not conform with the intentions of the minority. Now, how does any one suppose that the Canadian Government—that the Earl of Elgin, or any of his present advisers, could bring in a Bill into the Canadian Assembly to carry out this principle of the minority? Would it not be considered by the majority of the Canadian Assembly that flimsy reasons had been given to reverse the decision to which they had come—to say that the forty-four who voted for the Bill as it stands, and who voted against the Amendments, should have their opinions overturned, and that the view of the twenty-eight members of the minority should be carried? They would consider it, with such reasons against them as have been given in this House of Commons, an evasion of their legislative powers to admit your proposal. What is it that you really say? Why, you are going to propose, in fact—there having been compensation and indemnity voted by the legislature of Canada for the sufferers in Upper Canada—that there shall be no compensation or indemnity voted for the sufferers in Lower Canada. ["No, no!"] I say that is the question. Well, then, you say you will agree to compensation and indemnity being voted for the sufferers in Lower Canada only on such and such conditions; but you are not going to introduce a Bill into this House to make the people of Canada pay on your own conditions—you are not going to do that, as the only way of carrying such measures would be by proposing it in the Canadian Assembly. Now, I cannot conceive that any man of the slightest spirit and honour, belonging to the majority of that assembly, could introduce such a Bill. Well, then, if there is no Bill of that kind, this Bill is not to be allowed to come into operation. You then say, as I have already stated, that there shall be no compensation or indemnity voted for the sufferers of Lower Canada for rebellion losses. And what, give me leave to ask, will be the effect of that? Why, as M. Girouard observed in the Canadian Assembly—

> "It is but fair, if compensation and indemnity are due to the rebels of Upper Canada, that compensation and indemnity should be voted for the French Canadians in Lower Canada; and I ask you, therefore, what will be the feelings among all the French Canadians of Canada, if there shall be compensation for the one, and none for the other? Will it not be said that compensation has been awarded to the inhabitants of Upper Canada, because they are of English descent, and that no compensation or indemnity will be awarded to the French Canadians of Lower Canada, because they are of French descent?"

Now, I ask this House whether that will not be the interpretation that will be put on this question? Let me again urge upon the House, that we are not now considering, as some Gentlemen seem to think we are, a Bill in Committee in this House, with respect to which we can deal as we please, and where you may find some definition which satisfies your own mind, by which rebels may be excluded, and none but loyal men have compensation. However desirous you may think the definition, however just you may think it, you cannot force that definition upon the Canadian Assembly; you cannot persuade them that it is a just or a wise definition, or that it is a definition upon which they can act. Now, the right hon. Gentleman who spoke last says that he entertains the highest respect for the unsullied honour of the Earl of Elgin—that he would be sorry to do anything to throw a doubt on that unsullied honour. Now, the Earl of Elgin says, openly, plainly, and publicly, that it is not the intention of this Act to compensate rebels; and that if it had been the intention, he, as the head of the Government in Canada, never would have consented to it. I think if this Amendment were carried, it would be tantamount to a declaration that you have no belief in that solemn declaration of the Earl of Elgin—that you put no faith in these words—that you believe what he said was false—that he had no intention of acting upon these words; and such must be the direct opinion of every impartial person who considers this question; but, at all events, for my part, I say, believing, as I do, in the unsullied honour of the Earl of Elgin—believing that the Legislative Assembly and the Council of Canada, together with the Earl of Elgin, form an efficient legislature for Canada—believing that, in the present instance, they have considered the interests of Canada in such a manner as not to tarnish or impair the honour of the majesty of this country—I think the best way in which I can support the character of the colony—in which I can support the responsibility of the Executive Government—in which I can support the due legislative independence of the Assembly of Canada, is to give my vote against the Amendment of the right hon. Gentleman, believing, as I do, that it is one that would seriously impair the connexion between this country and that noble province, and one that would seriously endanger our future relations with every colony in which there is a responsible government established.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 291; Noes 150: Majority 141.

List of the Ayes.

Abdy, T. N.
Acland, Sir T. D.
Adair, R. A. S.
Alcock, T.
Anson, hon. Col.
Armstrong, Sir A.
Bagshaw, J.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Baring, hon. F.
Barnard, E. G.
Barron, Sir H. W.
Bass, M. T.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Birch, Sir T. B.
Blackall, S. W.
Blake, M. J.
Blewitt, R. J.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Brackley, Visct.
Bramston, T. W.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Browne, R. D.
Bruce, C. L. C.
Bunbury, E. H.
Burke, Sir T. J.
Busfeild, W.
Buxton, Sir E. N.
Callaghan, D.
Campbell, hon. W. F.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Caulfield, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Cayley, E. S.
Chaplin, W. J.
Charteris, hon. F.
Childers, J. W.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Clifford, H. M.
Clive, hon. R. H.
Cockburn, A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. B.
Dalrymple, Capt.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, E.
Denison, W. J.
Denison, J. E.
Devereux, J. T.
Douglas, Sir C. E.
Drumlanrig, Visct.
Drummond, H.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duff, G. S.
Duff, J.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, Sir D.
Dunne, F. P.
Ebrington, Visct.
Ellis, J.
Enfield, Visct.
Estcourt, J. B. B.
Euston, Earl of
Evans, Sir D. L.
Evans, W.
Fagan, W.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
Filmer, Sir E.
FitzPatrick, rt. hn. J. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, W. J.
Freestun, Col.
Glyn, G. C.
Goulburn, rt. hon. H.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Grattan, H.
Greenall, G.
Greene, J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl
Guest, Sir J.
Hallyburton, Ld. J. F. G.
Harcourt, G. G.
Harris, R.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heneage, E.
Henley, J. W.
Henry, A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hogg, Sir J. W.
Hollond, R.
Hope, Sir J.
Horsman, E.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, Sir R.
Hughes, W. B.
Hume, J.
Jervis, Sir J.
Johnstone, Sir J.
Keppel, hon. G. T.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lacy, hon. C.
Langston, J. H.
Lascelles, hon. W. S.
Lawless, hon. C.
Legh, G. C.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Loch, J.
Locke, J.
Lockhart, A. E.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
Magan, W. H.
Mahon, The O'Gorman
Maitland, T.
Marshall, J. G.
Marshall, W.
Martin, J.
Martin, C. W.
Martin, S.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Milton, Visct.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Norreys, Lord
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Connell, J.
O'Connell, M.
O'Connell, M. J.
O'Flaherty, A.
Ogle, S. C. H.
Ord, W.
Oswald, A.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Pearson, C.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, F.
Perfect, R.
Philips, Sir G. R.
Pigott, F.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Price, Sir R.
Pugh, D.
Pusey, P.
Raphael, A.
Reid, Col.
Reynolds, J.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roche, E. B.
Roebuck, J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Salwey, Col.
Scholefield, W.
Scrope, G. P.
Scully, F.
Seymour, Sir H.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Simeon, J.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Smythe, hon. G.
Somers, J. P.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.

Spearman, H. J.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Sullivan, M.
Sutton, J. H. M.
Talbot, C. R. M.
Talfourd, Serj.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townshend, Capt.
Trelawny, J. S.
Tynte, Col. C. J. K.
Vane, Lord H.
Verney, Sir H.
Villiers, hon. C.
Vivian, J. E.
Vivian, J. H.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Watkins, Col. L.
Willcox, B. M.
Williams, J.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyld, J.
Wyvill, M.
Young, Sir J.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Anstey, T. C.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Baggot, hon. W.
Bailey, J. jun.
Baillie, H. J.
Baldock, E. H.
Baldwin, C. B.
Bankes, G.
Baring, T.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Bernard, Visct.
Blackstone, W. S.
Blair, S.
Boldero, H. G.
Bremridge, R.
Brisco, M.
Broadley, H.
Broadwood, H.
Bromley, R.
Brooke, Lord
Buller, Sir J. Y.
Christopher, R. A.
Christy, S.
Clive, H. B.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Colvile, C. R.
Cotton, hon. W. H. S.
Damer, hon. Col.
Disraeli, B.
Dod, J. W.
Duncombe, hon. A.
Dundas, G.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Egerton, Sir P.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Floyer, J.
Fox, S. W. L.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Goddard, A. L.
Godson, R.
Gordon, Adm.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Granby, Marq. of
Grogan, E.
Guernsey, Lord
Gwyn, H.
Haggitt, F. R.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Harris, hon. Capt.
Herbert, H. A.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, R. C.
Hildyard, T. B. T.
Hodgson, W. N.
Hood, Sir A.
Hope, H. T.
Hope, A.
Hornby, J.
Hotham, Lord
Houldsworth, T.
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Ker, R.
Knightley, Sir C.
Knox, Col.
Law, hon. C. E.
Lennox, Lord H. G.
Lewisham, Visct.
Long, W.
Lopes, Sir R.
Lowther, H.
Mahon, Visct.
Manners, Lord G. S.
Manners, Lord G.
Manners, Lord C. S.
March, Earl of
Maxwell, hon. J. P.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, J.
Neeld, J.
Nicholl, rt. hon. J.
O'Brien, Sir L.
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Palmer, R.
Patten, J. W.
Prime, R.
Renton, J. C.
Repton, G. W. J.
St. George, C.
Scott, hon. F.
Smith, M. T.
Somerset, Capt.
Somerton, Visct.
Spooner, R.
Stafford, A.
Stanley, E.
Stanley, hon. E. H.
Stuart, H.
Stuart, J.
Sturt, H. G.
Taylor, T. E.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Trevor, hon. G. R.
Turner, G. J.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Waddington, H. S.
Walsh, Sir J. B.
Whitmore, T. C.
Williams, T. P.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of
Wynn, Sir W. W.

TELLERS.

Mackenzie, W. F.
Newdegate, C. N.

Resolution agreed to.

The House adjourned at a quarter before Two o'clock, till Monday next.

HOUSE OF LORDS,

Monday, June 18, 1849.

MINUTES.] PUBLIC BILLS.—2ª Highways (Annual Returns); Passengers; Sheep Stealers (Ireland).
3ª Leasehold Tenure of Lands (Ireland).

PETITIONS PRESENTED. From Bishops Caundle, and Sherborne, against the Parliamentary Oaths Bill.—From Bath, that Boards of Guardians may be Empowered to grant Superannuation Allowances to Poor Law Officers.—By Lord Faversham, from York, and other Places, for Protection from unrestricted Foreign Competition.—By the Earls Carlisle and Fortescue, from Waterford, in favour of the Health of Towns (Ireland) Bill; also in favour of the Registering Births, &c. (Ireland) Bill.—From Chesterfield, for the Suppression of Seduction and Prostitution.—From New Mills and Glossop, for a Reduction of the Number of Toll Gates.—From Dublin, for the Adoption of Measures for the Improvement of the Public Health.

LEASEHOLD TENURE OF LANDS (IRELAND) BILL.

Order of the Day for resuming the Adjourned Debate on the Third Reading read. Debate resumed accordingly.

LORD CAMPBELL said, he hoped their Lordships would now read the Bill in its amended shape the third time. He admitted that the measure had been defective in its original shape, but a considerable alteration had been made in its provisions, with the view of doing justice to all parties, reversioners and lessees. He proposed to omit the second clause, and also to insert a clause in substitution of Clause 6, giving compensation not only for leasehold, but to the full fee reversions. There was only one point which he wished particularly to notice—the operation of the Bill upon the Irish Society. The claims of that Society had been stated by the noble Lord opposite (Lord Stanley), with his usual force and ingenuity, and no doubt they deserved great consideration. But under this Bill, in its original form, they would be deprived of a power which they highly valued—that of arbitrating between the immediate and the sub-lessees. It was doubtful whether this was a power which, as lawyers phrased it, ran with the land. In order, however, te remove that doubt, he had framed a clause which enacted that these privileges should run with the land, and be enjoyed *in secula seculorum.* Under this clause the Irish Society would continue to possess the power which it had so long enjoyed.

The Earl of WICKLOW hoped that the new clauses would be moved separately.

Lord REDESDALE thought the alterations in the Bill were so extensive that it ought to be referred to a Select Committee. In order that this might be brought before the House, he should move that the Bill be read a third time that day six months.

Lord BROUGHAM thought that the measure might be advantageously referred to a Select Committee.

Lord CAMPBELL replied, that the measure had been brought in last Session—that it had been before the public for a twelvemonth—that it had been discussed again and again—that it had been most carefully drawn—and that it was impatiently and anxiously expected. He therefore declined to accede to the proposition of referring the Bill to a Select Committee.

The Earl of WICKLOW could not support the measure in its present shape. Clauses in the highest degree objectionable had been added to the measure—clauses, indeed, which entirely altered its nature. He thought that the consideration of the Bill should be at all events adjourned, so that time might be given for the full consideration of the new portions of the measure. Instead of being a Bill to be put into operation at the option of the parties interested—as it ought to be—it would be a compulsory measure.

Lord CAMPBELL observed, that the Bill would not be compulsory upon tenants, but on lessors.

The Marquess of DONEGAL said, that all he asked for was proper compensation for his property—that justice might be done to him by the Bill; and the clause as it stood would not meet the justice of his case. He wished the noble Lord to insert in the clause that the compensation given should be the marketable value of the property; but it would be still better if the clause were allowed to stand as it had been originally.

Lord CAMPBELL said, that the noble Lord would be amply indemnified by the clause as it now stood.

Lord LYNDHURST proposed, that words should be inserted providing that full compensation should be given, estimated according to the difference of the marketable value of the land. But, taking into account the great difficulty attending a satisfactory adjustment of the question, he thought it would be better to let the Bill stand over for further consideration.

Lord CAMPBELL agreed to the suggestion of the noble and learned Lord as to the introduction of the words proposed by him, they being merely explananory of his (Lord Campbell's) own intentions. But he decidedly objected to refer the Bill to a Select Committee.

Lord STANLEY observed, that the noble and learned Lord (Lord Campbell) had certainly shown every disposition to meet the objections that had been made to the Bill, but he had not been by any means successful in his efforts. His amendments had not removed the objections of the Irish Society, nor those of the noble Marquess (the Marquess of Donegal). Had the noble Lord agreed a fortnight or three weeks ago to refer the Bill to a Select Committee, all the difficulties might have been got over; but really nothing could be more objectionable than the introduction of a habit of proposing five or six fresh amendments to a Bill upon the third reading. Two of the highest legal authorities in the House had expressed their opinions as being, that the Bill, affecting, as it did, the greater portion of the landed property of Ireland, required further consideration; and surely after that, the noble Lord would not persevere in his determination. The great objection to the measure was, that it was compulsory in its character, instead of being merely permissive. Were it merely permissive, there would be less difficulty in passing it into law, and he thought there was still time enough to alter its compulsory character. If the noble Lord would consent to the recommittal of the Bill, he would be satisfied, but if otherwise, he should feel himself bound to vote for the Motion of his noble Friend near him (Lord Redesdale).

Lord CAMPBELL said, that the principle of the Bill was, that it should be a compulsory enactment, and that principle was affirmed upon the second reading. Had there been any objection to its being compulsory, it should have been made upon the second reading.

The Earl of DEVON observed, that as it had been said that the report of the commission over which he had presided was favourable to the enactment of a compulsory measure, he could only say that his own opinion as an individual was against its being compulsory. He could not imagine how any great call could be made for such a measure in Ireland, for it could not benefit the public at large. The class of middlemen only could feel any great interest in it. They, indeed, might be benefited by its provisions, but no one else could. The landlords would be injured, and he could not see how the third party, the occupying tenant, could be benefited by the Legislature making the Act compulsory. As to the cultivation of the soil, it could have no effect whatsoever upon it.

The Marquess of LANSDOWNE considered that the compulsory principle of the Bill had been already affirmed. He would therefore oppose any alteration in it, and he would oppose the Motion for referring it to a Select Committee. All the compulsion that was unjust in it had been taken away, and the feeling in Ireland for its necessity was too strong to admit of any doubt. The Irish Government had strongly urged upon the Government here the necessity of passing it at once, and making it compulsory. In fact, its being compulsory was most important. It would benefit the country largely, even although some injustice might be done to individuals. He knew that the case of the noble Marquess (the Marquess of Donegal) was very peculiar, he having certain rights under a private Act of Parliament. But even his case had been met by the amendments of his noble Friend. As to the suggestion of the noble and learned Lord opposite (Lord Lyndhurst), he only proposed to add words which would make the intention of his noble and learned Friend (Lord Campbell) more plain.

Lord BEAUMONT wished to know if the noble Lord opposite meant to persist in his Motion against the third reading?

Lord REDESDALE said, he should persist, and would go to a division upon the question of the third reading.

Lord BEAUMONT said, that the proceedings upon the Bill had been rather extraordinary. It was introduced into their Lordships' House, and read a first and second time without one word having been uttered in opposition to it, except by himself. He was the only person who had found any fault with it. He proposed a few amendments, and it was those amendments and not the Bill that had been opposed. It was the opposition to his amendments that delayed the third reading, and it was not until this second consideration of the third reading that opposition was given to the Bill itself. The suggestions made for its improvement had been attended to by his noble and learned Friend, who had tried his utmost to obviate the difficulties which presented themselves; and now he was called upon to alter the very principle of the measure. Its object was to do away with a most objectionable form of tenure; and in doing so, justice should be meted to those whose rights were about to be invaded. His noble and learned Friend was willing to give compensation to the proprietors; but the question was, how was compensation to be awarded? It was said that unless the full marketable value of the land were given, full compensation would not be granted. That objection had now been met by the Amendment of his noble and learned Friend. By this compulsory Act, men would be obliged to sell their estates—that was to say, to part with the fee-simple, receiving, as the Bill stood, full compensation for it. If it were for the public benefit that those leasehold tenures should be destroyed, the Legislature was justified in compelling men to sell their estates, and they could deal with the case as they had done so often with Railway Bills. But he should not be satisfied unless the owners were left in as good a condition as they were in before; they should be allowed full compensation. But the very condition of landlord had a certain value attached to it, a certain weight, consideration, and influence, for which compensation could not be given. Now, the words "full compensation" covered all value, whilst the words "full marketable value" covered only the saleable price. If the clause provided that proper and fair compensation should be given, he thought it would be a pity to throw out the Bill; but as it might tend to satisfy all parties if it were recommitted, he should urge the adoption of that course. He had been entrusted that evening with a petition, which it would be his duty presently to present, from Lord Belfast, against the Bill. All the objections arising out of that petition and others might be readily arranged in a few minutes in Committee, and the parties interested could be convinced that every precaution had been taken to meet their several cases. It was said there was not a strong feeling in favour of the Bill. He knew there was a strong feeling in its favour; and it was that very strong feeling which induced him the more closely to consider the case of the lessors. Various parties from Belfast and the neighbourhood had urged him to support the Bill, and that in its original form. The only inference he could draw from that was, that the Bill would confer upon them a general benefit at the expense of the present owners. But as he firmly believed that his noble and learned Friend, as well as the Government, were unwilling to gratify the lessee at the expense of the lessor, he thought they ought, in justice to all parties, to allow the Bill again to be recommitted.

Lord CAMPBELL expressed his willingness to adopt the amendment of the noble and learned Lord (Lord Lyndhurst) opposite, and would, therefore, insert the words he had suggested in the clause. He would propose, therefore, after the words "full compensation for such loss," to insert the words "to be estimated according to the difference in marketable value of the land." He had put that construction upon the clause from the beginning; but, to remove all doubt, he fully agreed in the insertion of these words.

Lord REDESDALE still saw no reason for withdrawing the Motion he had made. They had refused to enforce the principle of compulson with regard to copyhold tenures in England, and he certainly did not think they ought to adopt it in Ireland, when its application was still so much in doubt, that now, at the third reading of the Bill, five or six new clauses were proposed.

On Question that the word "now" stand part of the Motion, House divided:—Contents 38; Non-Contents 35: Majority 3.

List of the NON-CONTENTS.

DUKES.
Buccleuch
Cleveland
MARQUESSES.
Hertford
Drogheda
Northampton
Ormonde
EARLS.
Devon
Aberdeen
Warwick
Malmesbury
Courtown
Desart
Wicklow
Clare
Bandon
Kenmare
Romney
Wilton
Powis
Nelson
Lonsdale
St. Germans
Glengall
Falmouth
Somers
VISCOUNTS.
Strangford
Canning
LORDS.
Stanley
Walsingham
Clarina
Redesdale
Wharncliffe
Feversham
Lyndhurst
Brougham

Bill read 3^a accordingly.

Amendments moved and agreed to. A further Amendment moved and negatived.

Bill passed, and sent to the Commons.

PASSENGERS' BILL.

Earl GREY moved the Second Reading of the Bill, on which he need trouble their Lordships but for a very short time. It would, perhaps, be in their Lordships' recollection that a Passengers' Bill was passed which was limited in its duration to two years. The object of this was to give time for a careful revision of the law, so as to enable them to produce a more permanent measure. Since that time, the Commissioners of Emigration had had frequent communications with the principal shipowners that were in the habit of carrying emigrants to North America, the result of which was, that the existing law, with a few alterations, might be re-enacted. These alterations, he believed, would be found to be important improvements. One was to make the law clearer than it at present stood with regard to the proportion between the tonnage of the ship and the number of passengers she was allowed to carry. The existing law allowed two passengers to every ton in a ship's measurement; but this was in practice understood to be exclusive of the cabin passengers and crew. Now, it was obvious that the matter to regulate was the total number of persons on board a vessel; and hence it was now proposed to include the crew and cabin passengers in the number taken, in proportion to the tonnage. Another alteration was directed to improve the ventilation on board, and another went to improve the dietary. At present, a pound of flour, or other similar substance, was directed to be taken for each passenger per day; but it was clear that this quantity was insufficient, the object being to keep it merely as a last resource in case of the passengers' own provisions failing them. It was now proposed that ships should carry one pound and a half of flour for every passenger, with a small allowance of tea, coffee, and molasses. With these explanations, he moved that the Bill be read a second time.

Earl WALDEGRAVE did not rise to oppose the Bill, but he recommended that the same care should be taken of the crew that was taken of the passengers.

Earl GREY said, the provisions of the Act applied not to the passengers only, but to every person in the ship.

Bill read 2^{a}, and committed to a Committee of the whole House.

ACCIDENTS IN COAL MINES.

Lord WHARNCLIFFE rose to move that a Select Committee be appointed to consider the best means of preventing the recurrence of accidents in coal mines. He believed there would be no opposition to the Motion, and therefore would be brief in the few remarks he had to offer to their Lordships. The last inquiry that took place on this subject was so far back as 1835, when the House of Commons appointed a commission, consisting of men of the very highest standing and attainments, whose recommendations had been of the most valuable description. Considering the increase of knowledge since that period, and the lamentable and but too frequent recurrence of those tremendous catastrophes which had happened within the last few years, he thought every one would admit great public advantage must follow from a new inquiry. He did not suppose it would be very protracted, or he should not move for a Committee at so late a period of the Session; but hoped they would sit long enough to report to the House on some efficient remedy for those deplorable accidents.

The Earl of CARLISLE said, he did not apprehend that opposition would be offered from any quarter to the Motion that had just been made by his noble Friend. Both his noble Friend and himself, from their respective experiences, knew how great was the need that some remedial measure should be adopted, with the view of preventing the horrible misfortunes which took place in mines. The subject, particularly since the occurrence of the late grievous accidents, had not escaped the attention of the Government, and they had been considering the best means of preventing as far as possible a recurrence of that class of calamities. They had been in communication with Sir H. De la Beche, and that gentleman was sanguine of the success of the scheme which was in contemplation by Government. He (the Earl of Carlisle) hoped that one of the results at which the Committee would arrive would be to approve of the steps which had hitherto been adopted by Government; and he was sure the Government would be happy to receive any additional suggestions that the wisdom of the Committee might think it necessary to make.

The Earl of ST. GERMANS, after stating that he was glad this subject had been taken up by a noble Lord so competent to conduct the inquiry as his noble Friend (Lord Wharncliffe), begged to correct an error which had appeared in some of the reports of what he had said in presenting the petition from Mr. Gurney a few evenings ago. He did not know whether it was his own error in not expressing himself clearly, or the error of the reporter; but he had been reported as saying what certainly he had not intended to say, that Mr. Gurney was the first person who applied high pressure steam to railway locomotives. Now, what he had intended to state was, that Mr. Gurney was the first who applied high pressure steam to the mode of producing a draft in chimnies, to which the velocity of the steam-engine was mainly attributable.

Motion agreed to.

Committee appointed.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 18, 1849.

Minutes.] Public Bills.—1^{o} Juvenile Offenders and Small Larcenies.

2^{o} Transportation for Treason (Ireland); Soap Duty Allowances; Mutiny and Desertion (India); Railways Abandonment; Bankrupt Law Consolidation; Palace Court (Westminster).

Reported.—Charitable Trusts; Sites for Schools; Public Health (Scotland).

3^{o} County Cess (Ireland); Loan Societies.

Petitions Presented. By Mr. Ewart, from Sanquhar, against, and by Mr. Stuart Wortley, from Kensington, in favour of, the Marriages Bill.—By Mr. Roebuck, from Sheffield, for Repeal of the Duty on Attorneys' Certificates.—By Mr. William Evans, from the Guardians of the Chapel-en-le-Frith Union, for the County Rates and Expenditure Bill.—By Mr. Bright, from Manchester, in favour of, and by Lord John Russell, from William Charles Wryghte, Accountant, London, for an Alteration of, the Bankrupt Laws Consolidation Bill.—By Sir R. Peel, from London, for the Establishment of Home Colonies; and from Sunday School Teachers in Lancashire, Yorkshire, and Cheshire, for referring International Disputes to the Decision of Arbitrators.—By Mr. Serjeant Talfourd, from several Places, for Redress of Grievances affecting Poor Law Medical Officers.—By Captain Berkeley, from the Guardians of the Gloucester Union, for the Suppression of Mendicancy.—By Mr. Roebuck, from Thomas Falconer, of Wootton, for Inquiry respecting the New Forest.—By Colonel Reid, from the Windsor Union, for a Superannuation Fund for Poor Law Officers.—By Captain Dalrymple, from Inch, and other Places in the County of Wigtown, against the Removal of the Post Office Packet Station from Portpatrick.—By the Marquess of Granby, from Stamford, for the Punishment of the Promoters of Promiscuous Intercourse.—By Lord James Stuart, from Ayr, against the Public Health (Scotland) Bill.—By Lord Dudley Stuart, from Inhabitants of Oxford-street, for the Removal of Smithfield Market.—By Mr. Napier, from W. S. O'Brien, T. F. Meagher, T. B. M'Manus, and P. O'Donohoe, against the Transportation for Treason (Ireland) Bill.

DUBLIN, &c., ROADS ACT CONTINUATION AND AMENDMENT BILL.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

Mr. REYNOLDS, after objecting to various alterations which had been made in the Bill, requested that the third reading should be postponed for a week; and on his being refused, moved that it should be read a third time that day six months. The inhabitants of Dublin and Drogheda, and all along the line of the road, had petitioned against the Bill, and it would be too bad for English Members to enforce this bill upon them.

Mr. J. O'CONNELL seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Lord H. VANE, as Chairman of the Committee on the Bill, said that he feared a delay of only a week would be injurious. The hon. Member for Dublin had strenuously exerted himself against the Bill in Committee; but the Committee had unanimously thought it a measure which ought to pass. He was satisfied that justice had been done the citizens of Dublin.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 65; Noes 8: Majority 57.

List of the Noes.

Evans, Sir De L.
Fagan, W.
Gore, W. O.
Grogan, E.
O'Flaherty, A.
Stuart, Lord D.
Thompson, Col.
Williams, J.

TELLERS.
O'Connell, J.
Reynolds, J.

Main Question put, and agreed to.

Bill read 3°, and passed.

PALACE COURT.

Mr. B. OSBORNE said, a Bill for the abolition of the Palace Court stood for the second reading to-day, and as it was a matter of some importance, he wished to know what course the Government intended to take with respect to it.

The ATTORNEY GENERAL said, very early in the Session he had stated, in reply to a question, that the subject of the Palace Court was under the consideration of the Government, and that a Bill with respect to it would be introduced as speedily as possible. He had now to state that early next week he hoped to be in a condition to move for leave to bring in a Bill to amend the law for the recovery of small debts, and that he should introduce a clause relative to the abolition of the Palace Court. If the Bill should be read a second time, he would move for the appointment of a Select Committee to inquire whether the officers holding appointments in that court were entitled to any, and what, compensation.

Sir F. THESIGER wished to know, after the statement of the Attorney General, whether the noble Lord (Lord D. Stuart) intended to press the second reading of his Bill relative to the Palace Court?

Lord D. STUART said, he put a question some time ago to the Government, which was answered very indirectly, and he then gave notice of his intention to bring in a Bill, and having done so, he now thought it his duty to persevere with it.

THE CHARTIST, ERNEST JONES.

Mr. F. O'CONNOR begged to ask the right hon. Gentleman the Secretary of State for the Home Department, 1. Whether it was a fact that Mr. Ernest Jones had applied to the visiting justices for liberty to petition the House of Commons; and, 2. Whether he had applied for permission to write to the Judge to ascertain whether his treatment in prison was in accordance with the sentence passed on him?

Sir G. GREY said, that on making inquiries he found that Ernest Jones had applied to him several times, complaining of the treatment to which he had been subjected in prison. The first communication he had received was in February last. In consequence of this complaint, he (Sir G. Grey) had directed an inspection to be made of the prison, the result of which was, that, upon examination, it was found that the treatment of the prisoner was approved of, so far as the officers of the prison were concerned. After that, Ernest Jones had complained of the regulations of the prison; but the prisoner had not been placed by the Judge among the first class of misdemeanants, and hence the inconveniences complained of, which, however, were incidental to the particular class in which the prisoner was included. An objection had been made to the prisoner sending a letter inclosing a petition to Parliament, on the ground that such an application was limited by the prison regulations to once in three months.

Mr. F. O'CONNOR wished to know if a prisoner, after having sent one communication within the specified period, should be subjected to unjustifiable treatment, he was debarred from petitioning Parliament, or writing to the Judge?

Sir G. GREY said, that a person under such circumstances had always power to send a statement to the Secretary of State at any time.

Subject dropped.

BOARD OF TRADE RETURNS.

Mr. LABOUCHERE said, that the hon. Member for Buckinghamshire had a night or two ago asked him the cause of the delay in the printing of certain returns of the Board of Trade. On inquiry, he found he had been wrong in attributing the delay to the printers of the House of Commons. It appeared that these returns were different from former ones; that they contained many items which were not to be found in former ones, and that it was necessary to proceed upon a new system of compilation. The consequence was, that the officers of the Customs and of the Board of Trade, in their anxiety to prevent error in these returns, had themselves caused the delay. He trusted that delay would not take place in future.

Mr. DISRAELI trusted the right hon. Gentleman would not consider him guilty of any want of courtesy in making the statement he did the other night to the House, seeing that he was present when he made it. He was at all times most unwilling to press too hardly upon public officers for public returns; but considering that the budget was originally appointed for the 15th instant, considering also that he had given notice of a Motion with respect to the general state of the nation, he thought that it would not be conceived that he acted unreasonably in pressing for this return. He should be very much obliged if the right hon. Gentleman would state when the new system pursued with respect to the preparation of public documents came into operation.

Mr. LABOUCHERE said, that probably the hon. Gentleman had observed, in the last monthly returns, several additional articles introduced into the accounts. In the exports of British produce and manufactures, the quantity was given as well as the declared value.

Subject dropped.

CHARTIST PRISONERS.

Mr. HINDLEY said, he had received a communication from Lancashire, stating that the political prisoners lately committed were required to wear masks, which, considering their offence, he thought was most uncalled for and unnecessary. He hoped the right hon. Baronet the Home Secretary would make a communication to the visiting magistrates to put an end to such a proceeding.

Sir G. GREY said, he knew nothing of the facts of the case, but he supposed the persons referred to were prisoners who had been sentenced to transportation for life for conspiring against the constitution and public peace. If so, they were treated according to the regulations of the gaol in which they were confined.

Mr. ROEBUCK asked if there would be any objection to lay a copy of the regulations on the table, in order that they might see whether the present Government or their predecessors had given their countenance to the regulations referred to? Were they submitted for the approval of the Secretary of State for the Home Department?

Sir G. GREY replied, that all the orders were submitted for the approval of the Secretary of State. Masks were worn when prisoners were in association, to prevent their mutual recognition. No recent regulations had been framed with respect to these precautions.

Subject dropped.

FRENCH INTERVENTION IN ROME.

Lord J. RUSSELL, in reply to Mr. Hume, said that his noble Friend the Secretary of State for Foreign Affairs had stated a few nights ago, that he thought it better that the French Government should be allowed to explain its own conduct with respect to recent proceedings in Rome. His noble Friend had applied to the French Government to know whether they would object to the communications they had made to the Court of Vienna being presented to the House of Commons; and an answer had been received stating that they had no objection to such communications being produced. It would be for his noble Friend to consider how far it would be expedient to produce those communications; but he certainly had not thought he should be authorised in producing them without the consent of the French Government.

Subject at an end.

TRANSPORTATION FOR TREASON (IRELAND) BILL.

Order for Second Reading read.

Mr. NAPIER rose to present a petition from Messrs. Smith O'Brien, Meagher, M'Manus, and O'Donohoe, praying to be heard by counsel, agents and witnesses against the Bill. The hon. and learned Member was proceeding to read the contents of the petition, when

Lord J. RUSSELL rose, and said, I wish to submit to you, Sir—the hon. and learned Gentleman having read the names of these petitioners, persons who have been attainted of high treason—whether this House can receive that petition?

Mr. SPEAKER replied, that one petition had already been presented, but he could not at the moment call to mind whether any petition of this kind had been refused by Parliament or not.

Mr. NAPIER was again proceeding to read the petition, when

Mr. DISRAELI recommended that the Attorney General should be consulted on the point.

Mr. E. B. ROCHE rose to order. He would submit to the Speaker and the House, whether, the Speaker having decided the matter, his decision ought not to be final with the House, more particularly when they recollected the position of these unfortunate gentlemen?

Mr. SPEAKER said, he could not give an opinion founded on his recollection of any similar case; and it was for the House to decide any question of this kind, whether they would receive the petition or not.

Mr. DISRAELI had not thought the Speaker had settled the question, or he would not for a moment have risen. He thought, under the circumstances, notice of the intention to present the petition ought to be given.

The ATTORNEY GENERAL said, that his hon. and learned Friend (the Member for the University of Dublin) having mentioned to him a short time ago that he was about to present the petition, he had felt it his duty to state to the noble Lord at the head of the Government the doubts which he felt on the subject, because it was quite plain that a convicted traitor was not allowed to be heard in a court of law; and he thought it at least worthy of consideration whether such a person could be heard in that House on petition. It was true, a few days since a petition was presented from Smith O'Brien, but he understood there had been no notice of it, and nobody was aware of the difficulty attached to the point. He had asked the opinion of other lawyers, and amongst others that of his hon. and learned Friend the Member for Abingdon; and although it might be a question of importance to the petitioners to be heard, they were of opinion that it would be laying down a serious precedent if the House should decide that the petition was to be received. He had done the best he could to search in the library for precedents, but could not discover that the matter had ever before arisen; and as the House would be now laying down a very serious precedent, he thought the House would see no objection to his calling the noble Lord's attention to the subject.

Sir G. GREY said, that, as it had been stated that the petition presented by the hon. Member for Limerick a few nights ago had been presented without any previous communication, it was due to his hon. Friend to state that he did inform him (Sir G. Grey) of his intention to present the petition, and he did not know of the objection to the reception of the petition; and if there was any blame in presenting the petition without first calling the attention of the House to it, that blame ought properly to fall upon him as well as on the hon. Gentleman.

Mr. NAPIER said, that in consequence of the great precipitancy with which this Bill had been pressed through its different stages in the other House, he had only that day received a letter stating that the petition would be presented. He observed that the second reading of the Bill was down on the Paper for that day. The petition had only just reached his hands in time, but he had communicated to the hon. and learned Gentleman the Attorney General, and to the right hon. Baronet the Home Secretary, what course he should take. It was clear that in a court of law, if a verdict were obtained, the parties might be heard on appeal; but he apprehended that it was contrary to the spirit of the constitution that these petitioners should not be heard. They prayed to be heard by counsel at the bar. If the House thought it was necessary that he should give notice, perhaps he might be allowed to mention the substance of the petition, and then postpone the further consideration of it till a future day.

Sir F. THESIGER thought it would be better that the hon. and learned Gentleman should postpone the presentation of the petition. The House had already come to a resolution, the result of which was that William Smith O'Brien was stated to have been attainted of high treason, and they had thereupon proceeded to declare his seat vacant, and they moved a new writ for the place which William Smith O'Brien had formerly represented. Under these circumstances the House was perfectly aware that William Smith O'Brien was an attainted traitor, and under these circumstances he thought it was desirable not to receive the petition from him until they ascertained whether there would be anything informal in admitting him as a petitioner to the House. He would therefore suggest that it would be better to give the House an opportunity to consider the question, and by to-morrow, perhaps, they might come to a decision.

Mr. ANSTEY hoped the hon. and learned Gentleman would persist in taking the sense of the House on the reading of the petition, because if there was no precedent against receiving a petition from any supplicant, however humble or defenceless, he did not think this the time of day when they ought to establish one. He (Mr. Anstey) would accept the analogy of the hon. and learned Attorney General between the superior courts of law and petitioning the Hight Court of Parliament. It was well known that although Smith O'Brien had been attainted on an Attainder Act, he might at any time come into a court of law and impeach the justice of the proceedings taken against him. That was decided as long ago as the time of Queen Mary. Or if he were removed, in defiance of the Habeas Corpus Act, to Jersey, and imprisoned there, he would be entitled to sue out a *habeas corpus* to be brought before the courts of law here. Again, a convicted traitor might call in question the proceedings under which he had been convicted, and prosecute his appeal from court to court until he reached the highest court; and if there was any reason in the world why his petition should not be heard in that House, the same reason would not allow him to prosecute his writ of error in the House of Lords. If there was anything objectionable in the petition, let them make no mention of it, if necessary, in the records of the House; but in the meantime let them hear the petition.

Sir R. PEEL said, it appeared to him that the speciality of this case warranted the House in receiving this petition, in the circumstances in which the House was placed, because they were about to be parties to a legislative proceeding, and that legislative proceeding stated—"Whereas doubts have arisen as to the power of the Crown to mitigate the punishment of offenders under judgment of death for treason in Ireland;" and the Crown was to be empowered to extend mercy, and to order the transportation of such offender for the term of the natural life of such offender. It seemed that that sentence could not with propriety be carried into effect without the intervention of the House of Commons. An Act of Parliament was necessary. Under those circumstances was there anything to disentitle these parties from approaching the House? It did appear to him that, as they were about to adopt legislative proceedings, the case was a peculiar one, and that the parties had a right to approach the House to protest against the Bill.

Mr. STUART said, with reference to the petition which had been presented to the House, it was impossible to consider it without at the same time considering the nature of the Act to which it had reference. The nature of this Act was, to substitute the punishment of transportation for life for that of death. That petition, as he took it, prayed that the late law should stand as it was, and that the petitioners prayed that they might be hanged. He thought the petition should not be disposed of by being suddenly forced upon the House. He did not see how they could come to a determination as to receiving the petition until they had looked for precedents. He hoped, therefore, that the hon. and learned Gentleman would give notice, and present the petition to-morrow.

Mr. BRIGHT presumed that in all past times, and now, men in the unfortunate position of these individuals would have the liberty of approaching the Crown for the purpose of asking for a mitigation or remission of sentence. That House was not in the position of the Crown; but, inasmuch as there was a Bill before the House, and as there was no precedent, they could not be doing wrong, in a case of this kind, where they were not pursuing an unmerciful and a harsh course, in receiving this petition. The proper course was to throw open the right to petition as widely as possible, for no danger could arise from it. He hoped the advice of the right hon. Gentleman the Member for Tamworth would be taken.

MR. E. B. ROCHE hoped that the hon. and learned Gentleman would not withdraw this petition. It had been stated that there was no precedent for this case. If there was a precedent, it was against the Government, because the right hon. Baronet the Home Secretary had admitted that a petition had been presented a few days previously from those gentlemen with his knowledge. But the whole thing was without a precedent; everything connected with the whole matter was unprecedented, and therefore he saw no advantage by delaying the petition till to-morrow, especially as they did not know how many stages might be got through that night. But if the hon. and learned Gentleman were asked to withdraw the petition, would the Government withdraw the Bill till to-morrow? Because, otherwise the hon. and learned Gentleman would stultify himself in withholding this petition against the Bill in question, and allowing the Bill to proceed one or two stages that night. He had the authority of the right hon. Baronet the Member for Tamworth on their side, that having the principle of mercy and justice in view, he trusted the hon. and learned Gentleman would persist in presenting the petition.

MR. GRATTAN was surprised, after the debate of Friday, that so much lenity should be extended on the other side of the Atlantic, and so little for Ireland. The hon. and learned Member for Newark was wrong in supposing that the petitioners, by objecting to transportation, could only be considered as requesting to be executed; and if the Government had the power of commuting the punishment, why did they not deal with Irish rebels the same as they had done with the Canadian rebels, who had been so much talked of the other day in debate? 500*l.* was offered as a reward for the apprehension of one of the Canadian traitors, who, however, was soon afterwards made Attorney General; and he (Mr. Grattan) thought, indeed, that a vote of thanks should be passed to Mr. Smith O'Brien, because, by his nonsensical exhibition and burlesque insurrection, he had made that species of high treason vulgar, and prevented all the sensible people from joining him.

MR. HERRIES was afraid the House might be led into the general question. A very important question arose whether, by accepting or rejecting this petition, they should establish a precedent. It appeared to him that there must be considerable difficulty in receiving in that House anything being or constituting an act of a person who was civilly dead. Now, he would suppose for a moment that this petition contained a request that the House should hear counsel to be appointed by the petitioners. Did the House recognise the right or power to appoint counsel? He thought the case was one which was replete with difficulty. If a party was civilly dead, he was incapable of other acts, and could the House recognise him as a fit person to appoint counsel to be heard at the bar, and to represent him? There was this further difficulty, that the petition was not against an Act specially directed against the petitioners, but a general Act of a general character; and if these parties might petition against this Act, they might petition against any other Act. He thought that time should be given to allow the House to come to a decision on a question of such a grave character.

MR. COCKBURN quite agreed in the proposition that persons attainted of high treason were civilly dead, but as they chose to legislate by passing an *ex post facto* law for the purpose of affecting the position of these petitioners, it was quite preposterous that they should not be heard. It was true, they proposed to legislate for the purpose of mercy, of which no person more heartily approved than he; but it might have been an Act for a diametrically opposite purpose—it might have been an Act to aggravate, instead of to mitigate, the rigour of the law. Would any person argue that in such a case the party should not be heard? The parties here appeared to him to be entitled to a hearing on every principle of justice. That an attainted person could not petition that House, appeared to him to be an entirely unfounded doctrine; but at all events, as the object of this Bill was to affect the position, he might say the right, of the petitioners, it would not be consistent with the principles of justice to refuse to hear them.

LORD J. RUSSELL thought the memorialists had put in a very unusual claim to be heard; but it had been stated that this being a case in which they were about to legislate, they ought to regard the petition as a case of exception, and allow it to be received. That he understood to be the full length of the argument, and not that every attainted felon or traitor should have the right of approaching the House; and therefore he should waive his objections to the reception of this petition.

The petition was read by the clerk at the table.

Sir G. GREY, in moving the Second Reading of the Transportation for Treason (Ireland) Bill, said, the object of this Bill was to remove all possible doubts which had been entertained as to the right of the Crown—or the Lord Lieutenant, as the representative of the Crown in Ireland—to commute the capital sentence and to carry that commuted sentence into execution in the case of persons convicted in Ireland of high treason and sentenced to death, to whom the Crown might be advised to extend its mercy on the usual condition of transportation. It was needless for him to inform the House that the practice of commuting the capital sentence in certain cases for transportation, either for life or for a term of years, was one of frequent occurrence; and he could only say that no instance had come within his own knowledge, and he believed it was not possible for any one to cite an instance, of a person found guilty of a capital offence and sentenced to death intimating his intention to refuse the mercy of the Crown. That case had now occurred. The four prisoners were last year arrested on a charge of high treason, were legally tried, convicted, and sentenced to death; and having appealed to the highest supreme court of judicature in the United Kingdom, that conviction and sentence were affirmed. After the disposal of the writ of error, it became the duty of the Government to consider in what way the sentence of the law should be carried out. He did not wish to enter into the merits of the case; he thought they had nothing to do with the circumstances that preceded the actual conviction; but considering the nature and magnitude of the offence, it did appear to the Lord Lieutenant, in concurrence with the Government, in the execution of the duty with which his Excellency was intrusted as the representative of the Crown, to be one which required to be marked by severe punishment, while, at the same time, he was anxious, acting in concurrence with the whole of the Government, not to carry out the extreme sentence with undue severity. In answer to a memorial which was presented to the Lord Lieutenant, praying for a mitigation of the punishment, he said—

"My Lord Mayor and Gentlemen—From the moment when the sentence of the law was pronounced upon the prisoners on whose behalf you have addressed me, I have felt bound to give the most anxious consideration to the unhappy condition in which they were placed, so far as I could pay regard to that condition consistently with the obligations imposed on me in the exercise of those powers and prerogatives of the Crown with which I am entrusted. I have felt deeply concerned for the unfortunate situation of men whose lives are forfeited to the offended laws of their country; but an imperative duty compels me to look to the nature and character of the crime of which they have been convicted; to the circumstances preceding and attending it; and, above all, to the consequences which might have resulted from its temporary success. I cannot disregard matters unfortunately too notorious—the disturbance of the public peace, the dislocation of society for many weeks throughout an extensive district, the armed opposition to the constituted authorities of the realm, the serious loss of life among the poor misguided followers of the prisoners, the utter havoc which seemed for a brief time impending over many parts of the country from their wild and desperate proceedings, their avowed rebellion and treason against Her Majesty and Her rights to the Crown and sovereignty of Ireland. I fully appreciate the motives of humanity which have prompted this appeal; but, in reply to it, I have at present only to assure you that the Government, in the performance of its duty, can have no other desire than that justice should be administered without any severity beyond that which the interests of society demand."

Holding those sentiments, and in communication with the Government, the Lord Lieutenant determined to exercise the power which, as the representative of the Crown, it was right he should possess, by not carrying the capital sentence into effect, but by directing it should be commuted in the usual form for the sentence of transportation. Having arrived at that decision, he felt it his duty, out of consideration to the feelings of the prisoners, and those who were connected with them, to make a communication to them of what his determination was; and he (Sir G. Grey) now held in his hand a letter, dated the 5th of June, addressed by Mr. Redington to the governor of Richmond gaol, directing him to make that communication to the prisoners. Immediately upon that communication being made to the prisoners, one of them, Mr. Smith O'Brien—and the others had since followed the example—protested against the power of the

Lord Lieutenant, representing the Crown, to commute the sentence, or to carry that commuted sentence into effect in the case of treason, as distinguished from that of other felonies, with regard to which nothing was more common than for a capital sentence to be commuted, and the commuted sentence to be legally carried out. That was followed up by a formal protest by counsel on behalf of the prisoners, asking also that they might have an opportunity of bringing the question before a court of law. Under these circumstances, the Lord Lieutenant abstained from doing any act by which the sentence could be carried into effect without communication with the Government. He apprehended that to have brought this question into a court of law would have been no easy task, because, whether they were right or wrong as to the reception of this petition, the return to a writ of *habeas corpus* that the party was a traitor would have been a complete return, and would have precluded the court from going into the case. He wished the House to understand what seemed to be the doubt on this question. He believed there was no doubt as to the present legal position of the prisoners—that they were under legal sentence, and that it was only by the favour and mercy of the Crown they could escape the extreme penalty of the law. He would shortly state the grounds upon which the doubt rested, and which this Bill was intended to remove. The statutes as to transportation and the commutation to transportation being different in England and Ireland, from being dated before the Union, inasmuch as the Irish statutes spoke only of offenders for felony, and did not openly refer to offenders for high treason, it was said that such offenders were intended to be excluded from the favour of the Crown; but the highest legal authorities in this country had expressed an opinion which he and the Government had also entertained, though this was contested in Ireland, that although it was not expressly mentioned in terms in the Irish statutes in question, yet treason was the highest kind of felony, although they were not convertible terms, and was so laid down by Blackstone and Coke. The doubt had been raised in Ireland by what might be termed philolegality, and it was to remove it, and to do away with any difference that might exist between treason and felony in any case in which the Lord Lieutenant might think it right to commute the capital sentence to transportation, consistently with sound reason, and with what he (Sir G. Grey) believed to be the law now, and to carry such commuted sentence into effect, that this measure was introduced. The Bill was, as the hon. and learned Member for Southampton had remarked, in the cause of mercy—to enable Her Majesty to temper justice with mercy. He did not wish to say one word with regard to the former conduct of the prisoners. The Bill had already received the assent of the other House, with the sanction of men whose position in that House and in the country entitled their opinions to great weight and authority, and he hoped it would meet with as ready and prompt an assent on the part of this House.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. NAPIER did not rise with the intention of offering any animadversion on the course that had been taken in this case, nor did he mean to say he rose to give an opinion on the question of law involved in this Bill; for the matter had come so suddenly and by surprise on him, that he had not an opportunity of looking to the Acts of Parliament. A Bill, which it was thought necessary to introduce to alter the position of men circumstanced as the prisoners are, should be considered by the Government as one of consequence, and should have received more deliberation than it appeared as yet to have received. With regard to the opinion of the right hon. Gentleman the Secretary of State for the Home Department, in respect to the sanction of the House of Lords, and his remark with reference to what was called philolegality, the House of Lords ought not to complain, for they had encouraged persons, under sentence of death, to avail themselves of any point of law which any lawyer could devise as a mode of escape. With regard to this particular Bill, he did not think the case, represented by the hon. Gentleman the Member for Newark, was exact in point of law. He admitted the prisoners were under sentence of death, and that the Crown had the power to carry that sentence into effect. It was conceded, however, on the part of the Crown, that whatever other punishment might be fit for the offence, it was not a case in which the sentence of death ought to be carried into execution; and surely, whether the sentence of death is to be carried into execution or not, it cannot be governed by the description of substituted punishment they would put in its place. Suppose the Crown had the power of transporting for life, or for a series of years, it might then become an important question which of the two secondary punishments ought to be selected by the Crown as the one to be apportioned in reference to the circumstances. Now, how stood the matter without reference to any Act of Parliament? The Crown could carry out the sentence of death, or reprieve the party. [The ATTORNEY GENERAL dissented.] The hon. and learned law officer, the Attorney General, shook his head; perhaps there was not much in that; but the Crown, by altering the sentence, could imprison the party for life; but the case now made on the part of the Crown is this, that inasmuch as the prisoners have rejected transportation for life, it is necessary to come to Parliament to get a Bill to carry out that sentence. The Crown had the power of imprisonment for life, having the power to reprieve the party; and with regard to the Act that raised the question referred to by the right hon. Gentleman the Secretary of State for the Home Department, he found this passage in Lord Coke: "In ancient times every treason was comprehended under the name of felony, but not *e contra*, and therefore a pardon for all felonies was allowed in a case of high treason, but the law has for a long time otherwise holden." Now, see how that would apply to the present case. Last year they passed an Act of Parliament called the Treason Felony Act, to reduce many of the offences formerly treason down from the class of treason. That Act of Parliament distinguished throughout between treason and felony, and the Crown might have prosecuted those persons for felony, and convicted them of felony, and they would be liable to transportation for life under the terms of that other Act of Parliament. Why then, having got that Act of Parliament, did they prosecute them under the old statute of treason? The design was now to treat them as though they had been convicted under the Act of last Session. The whole argument of the right hon. Gentleman the Home Secretary proceeded on the assumption that there was no legal doubt at all. If so, why not act upon the law? If the objections all had their origin in an excess of philolegality, why did not the Government carry out the clear letter of the law? The rule of the law in all cases of doubt was, that the prisoner should have the benefit of the doubt. In considering this question, it should be recollected that to many men death would be preferable to being sent away from their families, friends, and connexions. He felt peculiar delicacy in arguing this case, having known one of the parties (Mr. Smith O'Brien) for some time, and it was a melancholy consideration that some of the very measures, since carried into law, had been once recommended by him. What he (Mr. Napier) should propose was, that according to the prayer of the petition, the petitioners should be heard against this Bill. If they were right in their view of the law of the case, it would seriously affect them, for instead of being sent to a penal colony, they would be imprisoned at home, where they could have some kind of intercourse with those who are dear to them. It would make a material difference in their position, and he thought the House should afford them an opportunity of having the reasons on which their petition was founded submitted for their consideration. He was sure they would decide upon the question with the good feeling and high sense of impartiality of men who are lovers of the British constitution. He would leave the case with the utmost confidence to the good sense and equity of the House, and move as an Amendment that the petitioners be heard by counsel against this measure.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'William Smith O'Brien, Thomas Francis Meagher, Terence Bellew M'Manus, and Patrick O'Donohoe, be heard at the Bar of this House, by Counsel, agents, and witnesses, upon their Petition against the said Bill.'"

MR. J. O'CONNELL, in seconding the Amendment, said, he objected to this Bill on constitutional principles, because it was *ex post facto* legislation. Let him remind the House of what was done in the former case of the State prosecutions in Ireland in 1844. Upon that occasion the persons convicted, of whom he had the honour to be one, appealed to the House of Lords against the sentence. Notwithstanding that appeal, they were in prison pending the whole appeal. It was at once allowed that there was injustice in the case, and a Bill was brought into the House of Lords to remedy that injustice, by which persons who had any rational grounds to show that they had been illegally tried and convicted should not be imprisoned until the doubt was settled. That Bill had become law. It was asked during the passing of it whether it would have an *ex post facto* application to the individuals upon whose case it had arisen; and it was distinctly denied that it would have that application. Would it not, then, be strange that legislation similarly arising out of a doubt, should be *ex post facto* made applicable to the parties out of whose case it had arisen? His second objection to the Bill was—he spoke only from common report, but it was publicly stated, and he believed it—that Mr. Smith O'Brien would not be so much a sufferer as his children. The Government had most wisely and humanely abstained from enforcing the attendant penalties on an attainted felon; but the effect of passing this Bill would be by a side wind to deprive Mr. Smith O'Brien's family of an important provision. Mr. Smith O'Brien had effected very large insurances on his life, and had paid large sums of money upon them without receiving any benefit from them, and the moment he went out of this kingdom they would be lost to his family. He admitted that there might not be much weight in that argument, but it was a matter of deep interest to Mr. Smith O'Brien's family.

The ATTORNEY GENERAL said, he should have been glad if some hon. Member who had opposed this Bill had stated some tangible and rational ground for doing so. As he understood the position of his hon. and learned Friend the Member for the University of Dublin, and of the hon. Gentleman who had just spoken, they objected to the propriety of this Bill, as it made that House usurp the prerogative of the Crown. His hon. and learned Friend had not stated the grounds upon which this question arose; but, as it would be his (the Attorney General's) duty to oppose the Amendment of his hon. and learned Friend, he would state what he believed to be the points of doubt, as far as he could apprehend them. The Acts under which it was proposed to commute these sentences, were different from those of England. They were the 6th George I., chap. 12, sec. 1, an Irish statute, which gave to the Lord Lieutenant a general power of granting pardon to all persons under sentence of death, and the 12th George I., which was more applicable to this case, and one of the sections of which was as follows:—

> "And forasmuch as the transportation of felons hath been greatly delayed, and opportunities of transporting them frequently lost, by the time necessarily taken up in passing and pleading the pardons granted to such felons: be it enacted, by the authority aforesaid, that whenever His Majesty, his heirs or successors, or the Lord Lieutenant, or other chief governor or governors of this kingdom for the time being, shall be pleased to extend mercy to any person who hath been or shall be convicted of felony, or who hath received or shall receive sentence of death for any felony, any order under the sign-manual of His Majesty, his heirs or successors, or under the hand of the Lord Lieutenant or other chief governor or governors of this kingdom for the time being, directing the person so convicted or sentenced to be transported, shall be as effectual in the law as if a pardon for such felony, with condition of transportation, had been passed under the great seal, and pleaded and allowed; and that such order shall be a sufficient warrant in the law, to all sheriffs, gaolers, and others, for the delivery of the person in such order named to the sheriff or gaoler of the place whence such felon is to be transported, or to the person or persons contracting for the transportation of such felon as aforesaid, so as such order be also countersigned by the judges, or one of them, before whom such felon was tried: which said order, after such delivery of such felon, shall be lodged in the hands of the clerk of the Crown, or clerk of the peace where such conviction was had, together with a receipt from the person to whom such felon was delivered to be transported, to be kept among the records of the court."

Now, it was contended in Ireland, that inasmuch as that statute applied only to sentence of death for felony, treason was not within the meaning of the Act. [Mr. Anstey: Hear, hear!] He supposed the hon. and learned Gentleman participated in that doubt. He might state that ever since he had been acquainted with the profession, he had thought that treason was felony, and he should have thought that if this Act, which was *in favorem vitæ*, were pleaded in any particular case, the court would put that construction upon it. In *Blackstone* it was distinctly laid down that treason was felony. That writer said—

> "Felony, in the general acceptation of our English law, comprises every species of crime which occasioned at common law the forfeiture of lands and goods. This most frequently happens in those crimes for which a capital punishment either is or was liable to be inflicted; for those felonies which are called clergyable, or to which the benefit of clergy extends, were anciently punished with death in all lay or unlearned offenders; though now, by the statute law, that punishment is for the first offence universally remitted. 'Treason itself,' says Sir Edward Coke, 'was anciently comprised under the name of felony;' and, in confirmation of this, we may observe that the Statute of Treasons, 25 Edward III., c. 2, speaking of some dubious crimes, directs a reference to Parliament, that it may be there adjudged 'whether they be treason or other felony.' All treasons, therefore, strictly speaking, are felonies, though all felonies are not treason. And to this also we may add, that not only all offences now capital, are in some degree or

> other felony, but that this is likewise the case with some other offences which are not punished with death—as suicide, where the party is already dead; homicide by chance-medley, or in self-defence; and petit larceny or pilfering; all which are, strictly speaking, felonies, as they subject the committers of them to forfeitures. So that, upon the whole, the only adequate definition of felony seems to be that which is before laid down, viz., an offence which occasions a total forfeiture of either lands, or goods, or both, at the common law, and to which capital or other punishment may be superadded, according to the degree of guilt."

Under that general definition treason was included; but treasons being larger than felonies, there was no doubt that the judges would, in a matter of life and death, give the more lenient interpretation of the law to which he had alluded. The statute said nothing of the conditional pardon to a party convicted under the 12th George I.; and in the present case there had been no bargain or condition, but only an intimation from an Under Secretary, that the capital punishment would not be carried out. In the 2nd of *Hawkins*, p. 557, it was stated—

> "It seems agreed that the King may extend his mercy on what terms he pleases, and, consequently, may annex to his pardon any condition that he thinks fit, whether precedent or subsequent, on the performance whereof the validity of the pardon will depend."

And in *Bacon's Abridgment*, vol. iii., there was this passage :—

> "Also it hath been held that in every pardon for a capital offence, where the party was obliged to give security, there is a condition in law annexed to such pardon, so that if he forfeit such recognisance, his pardon becomes void, and he may be taken and executed on the first judgment."

It was clear from these authorities that if these parties refused to accept the conditions of pardon, the sentence might at this moment be carried into effect. It would be well for persons to look at what might be the result of their opposition to this Bill, before they threw obstacles in the way of the measure. Mr. Smith O'Brien, in his petition, dated June 11th, said—

> "Your petitioner now submits that, if it be desirable to enable Her Majesty to commute his sentence of death to transportation for life, it is incumbent upon Her Majesty's Government to procure a statutory enactment to that effect (even by *ex post facto* legislation) rather than to violate the law by causing him to be transported by lawless force."

He confessed he was surprised that after Mr. S. O'Brien had asked the House of Commons to bring in the very Bill now before them, some of his counsel should draw up a petition against the measure. When these parties were about to be sent for transportation, it appeared that a notice was given by Sir C. O'Loghlen that it was his intention to apply for a writ of *habeas corpus*. It would have been very indecent and improper to have endeavoured to bring the return to such a writ before a court of law; but if such a writ had been moved for, the question could not have been argued. The prisoners' counsel could not have raised the point. The gaoler or other party having the custody of these prisoners would have returned that they were attainted traitors, and there would have been an end of the whole case. This question was fully argued before the Court of Exchequer a few years ago in the case of the Canadian rebels. He believed the hon. and learned Gentleman the Member for Youghal was engaged in that case? [Mr. C. ANSTEY replied that he was not.] The judgment of the court in that case was—

> "This is the substance of the return, against which many ingenious objections have been urged, the principal of which seem to be that the Legislature of Upper Canada had no authority to make any such law; that, if it had, it could be binding only within the precincts of that province; that it could communicate no authority to any person out of that province, and therefore could give none to the gaoler of Liverpool; that, even if it could have that effect, the pardon granted under that law being conditional, it was not competent to the prisoner to accept a pardon, whereby he submitted himself to imprisonment or transportation; or that, if it were competent to him to accept a pardon with such a condition, he has still a right to retract his consent, and to be set free from the obligation imposed upon him by the condition. All these topics have been elaborately argued on both sides, and have received due attention from the Court; but in the view which we take of the case, we do not think it necessary to pronounce any opinion upon them. If the condition upon which alone the pardon was granted be void, the pardon must also be void. If the condition were lawful, but the prisoner did not assent to it, nor submit to be transported, he cannot have the benefit of the pardon; or if, having assented to it, his assent be revocable, we must consider him to have retracted it by this application to be set at liberty, in which case he is equally unable to avail himself of the pardon. Looking, then, at the return, the position of the prisoner appears to be this:—that he has been indicted for high treason, committed in Canada against Her Majesty; that he has confessed himself guilty of that treason; that he is liable to be tried for it in England; that he cannot plead the pardon which he has renounced; and that he is now in the custody of the gaoler of Liverpool, under such circumstances as would justify any subject of the Crown of England in taking and detaining him in custody until he be dealt with according to law. Any subject who held him in custody with a knowledge of the circumstances, would be guilty of a crime in aiding and assisting his escape, if he be permitted to go at large without lawful authority. How,

then, can we order the gaoler of Liverpool, or any other person who has him in custody, with knowledge of these circumstances, to let him go at large? If the prisoner cannot be lawfully transported under the present circumstances, it is to be presumed that the Government, upon being so certified, will take proper measures for prosecuting him for the crime of treason in England. For these reasons we are of opinion that the prisoner must be remanded. The prisoners were remanded accordingly."

The party who was conveying Mr. S. O'Brien from Dublin to Cork would return that he was an attainted traitor, and this would show that in point of law he ought to be hanged. The hon. and learned Member for the University of Dublin did not deny that he was liable to punishment; but he said, "You can imprison him for life, and you cannot transport him." Now, it was not the practice in this country colourably to imprison a man for life, under pretence of reprieving him; and the only course open to the Government was, either to carry the capital punishment into effect, or else to come to this House to settle the doubt by a Bill. He could not be kept in prison because he was reprieved; that would be an evasion of the law, and an attempt to do indirectly what they would be told they could not do directly. He denied that this could be called an *ex post facto* law. If the party were pardoned, or anything were done so as to entitle him to be set at liberty, that plea might be set up; but how could it be said that this was an *ex post facto* law, when Mr. S. O'Brien could even now be executed, and when the Bill was introduced merely to solve a doubt? He should be glad if this measure could be passed without gratifying these parties and their friends by a long public discussion of their case; and he hoped he had satisfied the House that sufficient ground existed for passing the Bill.

MR. C. ANSTEY said, that he believed the learned counsel who had advised Mr. Smith O'Brien and the other petitioners, would have very little difficulty, if allowed to do so, to answer the arguments of the hon. and learned Attorney General. The object sought by the petitioners was to have this question properly discussed; and that House was not, in his opinion, the arena where such questions could be fairly and fully argued. The object of the Amendment was, to prevent this question being taken out of the decision of the Judges, who by their oaths were bound, and by their learning alone qualified, to decide it. He felt the greatest satisfaction in supporting that Amendment, and, in case it should not be successful, it was his intention to move that the Bill be read a second time that day six months. The hon. and learned Attorney General had referred to the case of the Canadian prisoners, but it had no application whatever to the present case. It was perfectly true that if Mr. Smith O'Brien had, as in the case of the Canadian prisoners, petitioned the Crown for mercy, and accepted a pardon upon conditions, that in case of the condition not being performed, the pardon itself would have been worthless; but they were told by the right hon. the Secretary of State for the Home Department, that the first intimation of the pardon to Mr. Smith O'Brien was met by an indignant rebuke, both he and the other prisoners feeling that such a pardon was no act of grace, but, on the contrary, a cruel aggravation of their punishment. Was it at all wonderful that they should have acted so, and preferred death to this mitigated punishment, as it was called? On his honour and his conscience he declared that if he were in the position of the petitioners, he should consider the punishment of death as mercy compared with a commutation of sentence that would consign him to that gehenna of the South Seas—Norfolk Island. Civil death would accompany the petitioners until they received pardon, whether the punishment were mitigated or not. As convicts upon the shores of the South Pacific, they would be as much dead and as completely deprived of all legal rights as if the full sentence of the law had been carried into effect. Most deeply did he regret that in consequence of the honourable firmness with which Mr. Smith O'Brien had always opposed himself to the mischievous effects of Whig legislation, the Government should now resolve upon carrying the punishment beyond even the civil death of their political opponent. If the defence of the petitioners were a worthless one, why should they not have the opportunity of having its worthlessness decided by a proper and competent tribunal? Were they to be told, as the hon. and learned Attorney General had told them, that it was an indecent thing to have a matter of such high concern brought before a court of law? Such a declaration might have been expected from the Attorney General of Queen Elizabeth; but he was surprised to hear it from the lips of an Attorney General of Queen Victoria. The hon. and learned Attorney General stated further, that if this Bill were not passed, the pardon of the convicts could not take effect. He stated that no pardon had been issued; and the right hon. Gentleman the Secretary of State for the Home Department appeared to be under the same impression. That the Lord Lieutenant of Ireland was not under that impression was clear; for, acting under the instructions he had received from some one—and decency prevented him from supposing that he had acted upon any instructions but those of the Sovereign, who alone was authorised to give them—he had intimated to the prisoners that he was authorised to pardon them. He had, therefore, received a delegation of power from the Crown to pardon; and so far, therefore, as the Queen was concerned, the pardon had actually gone forth. That it had been detained *in transitu,* did not at all affect the question. In the face of this fact, that it would be easy for the law officers of the Crown, or Her Majesty's Government, to enforce capital punishment, even if this Bill were rejected, was, he thought, a proposition which the House would hesitate before it sanctioned. Even if the pardon had not passed, the Government would never have dared to carry the sentence into effect; and the only consequence of rejecting the Bill would be to lead to a mitigation of the punishment, less offensive in the view of the prisoners and of the public, than that of transportation for life. The mercy that had been tendered to them was cruelty, rendered the more galling because accompanied by circumstances of indignity. All that the human mind could imagine of horrible and loathsome was to be found in those penal colonies to which the convicts from England were sent; and the true question at issue was, whether Mr. Smith O'Brien would die like a man of honour on the scaffold, or be exposed to treatment the most inhuman and disgusting, in the society of the basest and most brutal of the human race. The hon. and learned Member then proceeded to quote several extracts from a despatch addressed to Lord Stanley by the Lieutenant Governor of Van Diemen's Land, dated Feb. 6, 1846; and from the evidence of a clergyman who had visited Port Arthur in the year 1846, with a view of showing the depraved habits and condition of the convicts who were confined in the penal establishments at those places. The hon. and learned Member stated that he referred to those extracts for the purpose of justifying Mr. Smith O'Brien against the taunt which had been raised against him, that he had blindly wished that the penalty of death should be enforced against him, or that in making this selection both he and his companions knew well that the alternative of death would never be carried into effect upon them. He would ask hon. Members whether, if they were themselves in the situation of the petitioners, they would not also prefer to die like honourable men on the scaffold, rather than be reduced to the level of those degraded wretches whose loathsome crimes polluted the penal colonies of this country? He felt it a duty incumbent upon him, and one from which he could not shrink, to throw every constitutional impediment in the way of the progress of this Bill, to bring Her Majesty's Ministers to a sharp and rigorous account for their conduct, and prevent them from shutting themselves up in the mystery which all small men loved to affect. The last hour of English liberty had knelled, if it were to be decided that a great question like this was not to be decided before the Judges of the land, but by a packed majority of that House. It was to this pass that he believed the Whigs, ever true to their principles, were rapidly bringing this country. It had been said, that if Mr. Smith O'Brien had accepted the pardon, and the conditions of it were not fulfilled, that then the pardon would have been void. He would admit that if legal conditions were attached to the pardon, and were not fulfilled, that then—as in the case of recognisances, of which the hon. and learned Attorney General had spoken—the pardon would be void. But here was the case of a pardon which was sought to be imposed upon a person convicted of treason, coupled with conditions of an illegal character, and the illegality of which could not be purged or taken away, unless Mr. Smith O'Brien retracted that refusal, in which he meant to persist. The question then arose, as to what was the effect of that pardon. He had a right to assume that the pardon had been actually granted with illegal conditions. If, then, the party refused to accept the terms upon which the pardon was granted, in order to make it a legal pardon, the whole would be invalid, and the parties must be set at liberty. According to Blackstone, no power on earth could compel a man to consent to be sent out of the country against his will. If the document under which Mr. Smith O'Brien was to be transported contained a pardon, it was good so far as the pardon was concerned; but in all that related to transportation against the consent of the party, it was illegal and invalid. There was no doubt whatever but that that would be the effect of the present pardon. His hon. and learned Friend thought that the right to inflict capital punishment implied a right to inflict secondary punishment also. But that was not the case. It had been stated that this was the first case of a convict having been so ill advised as to refuse the offer of life on degrading conditions. Copeland's case, in the time of Henry VIII., showed that a gentleman of sufficient spirit and honour might be found to do so. But there were also similar cases of more recent occurrence. In Jacob's *Law Dictionary,* edited by Sir T. E. Tomlins, this passage appeared under the head of "Transportation:"—

> "To persons capitally convicted, the King frequently offers pardon on the condition of being transported. Many have rejected this gracious offer, and there were one or two instances of persons so desperate as to persist in their refusal, and who in consequence suffered the execution of their sentence. This difficulty seems intended to be obviated by the Statute 24 George III."

Sir T. E. Tomlins, therefore, was evidently of opinion that this difficulty was not obviated in cases of treason. His hon. and learned Friend the Attorney General called treason felony; he might as well have called it trespass. Was there any doubt that the Crown had the power to remit a portion of the sentence, and inflict a milder punishment than transportation for life or for a term of years? The Queen might be disposed to do as her royal grandsire did with Arthur O'Connor and Hamilton Rowan, who were banished; but that could not be done if this Declaratory Act passed, as it would limit the Crown's prerogative of mercy. This Act was *lex privata*—a penal Act passed against individuals, and he hoped that the Irish Members would all combine to resist so atrocious a measure.

MR. PAGE WOOD said, the question before the House was, whether they would read the Bill a second time, or hear counsel at the bar. Now, they must assume that doubts existed—the Bill assumed that; they, therefore, did not want counsel to prove by argument that there were doubts, that position having been already assumed. If they made a further concession, and admitted that *ex post facto* laws were objectionable, still that could form no possible ground for allowing counsel to be heard at their bar, nor, on the part of that House, any ground for opposing the Bill. If any legal point had been raised, then there might be something like good grounds for requiring that counsel be heard; but in the absence of all such reasons, he could not support the Amendment. The doubts admitted by the Bill itself comprehended all the doubts in the case, and there was therefore nothing upon which counsel was to be heard, or on which the House could require their aid. It had, however, been objected to the present measure, that it would, if passed, be an *ex post facto* law; but that was a question of public policy which they were competent to decide without legal assistance—whether it were a matter of hardship or of policy, it was at all events not a question of law. The only conceivable legal ground on which the question could be placed was this, that some slip had been made in Ireland by the Crown, the effect of which would be to give Mr. Smith O'Brien, and those associated with him, the benefit of a pardon. But his hon. and learned Friend the Member for the University of Dublin was far too shrewd to raise such a point. The state of the facts appeared to be, that the Lord Lieutenant issued an order for the transportation of Mr. Smith O'Brien and the others. Now, they sought to escape this punishment of transportation by alleging that their case came within the operation of an Act which rendered it unnecessary for their pardon (if any should be granted them) to pass under the great seal. If Mr. Smith O'Brien and the others contended that they could not be transported under that order of the Lord Lieutenant, it would be impossible for them at the same time to maintain that they were pardoned under the Act upon which his order was founded. The condition must go with the pardon; they could not be separated. If the conditions could not stand in law, the pardon must fall to the ground. The Lord Lieutenant was apparently acting under the statute—he was acting under a statutable pardon, which need not pass the great seal. The Crown was anxious to exercise its prerogative of mercy—a doubt arose, and the House was called on to remove that doubt by passing the present Bill. He admitted that an *ex post facto* law might be drawn into an evil precedent; but the present was not a case of that kind. His hon. and learned Friend the Member for Youghal complained as if the Bill then before them was to take away life; but it ought not to be so described.

It was a case of mercy. The Crown wished to be gracious and merciful, and this was a Bill to promote that purpose, because there were doubts whether pardon could, in the previous state of the law, be granted in that particular way. Supposing the present Bill to pass, the prerogative of the Crown would still remain whole, and this was manifestly the most convenient way of dealing with the question, for the Judges had no power in the case. In considering the present measure, the House was not called on to say whether those parties were rightly or wrongly convicted—the question was, whether or not they would enable the Queen to exercise mercy in the particular manner now proposed. He should certainly support the original Motion.

Mr. KEOGH observed, that this was, to say the least of it, a most extraordinary measure, because the law officers of the Crown in Ireland must have known of the difficulty to be surmounted. The measure was intended to take the law out of its usual course, and surely for such a measure there ought to be some justification on the ground of political expediency. He asked whether the present state of Ireland demanded an appeal to the House for extraordinary legislation? The hon. and learned Gentleman who had just resumed his seat, said he saw no reason why the petitioners should be heard at the bar; and the hon. and learned Attorney General said that there was no shadow of doubt but that the Crown had the power to transport these persons. Now, if this were the case, why should they be called upon to pass a measure which declared that considerable doubts did exist? The Bill was, in effect, to allow the Crown to inflict a severer punishment upon the prisoners than was now necessary. He confessed he could not view the difficulties of the case in the same light which the Attorney General did, because a return might be made to the writ of *habeas corpus*, and the Court then decide whether the prisoner could be retained or not. If the petitioners had no *locus standi* before a court of law, that fact was an argument why they should be heard at the bar of the House. He thought this was not a case in which capital punishment could be inflicted, and, therefore, the petitioners stood in this position—that not being amenable to punishment by death, and being amenable to confinement for life, the Crown now desired by this Bill to inflict, by transportation, a greater punishment than it could otherwise inflict. He saw no reason why the prisoners might not be respited during the pleasure of the Crown. In the year 1798, Neilson, Bond, and the other prisoners engaged in the rebellion in Ireland, were respited during the pleasure of the Crown, and they were afterwards sent to Fort George, in Scotland, and, after some time, the Crown allowed them to expatriate themselves. [The Attorney General: Yes, but that was under a particular Act of Parliament.] Well, even if it was, why might not the prisoners be respited during the pleasure of the Sovereign? He believed if this were done, and if those persons were retained in custody for some time, they might afterwards with safety be permitted to expatriate themselves. He appealed to the House to say whether the state of Ireland was such as to lead the Government to apprehend any danger from the custody of those persons in Ireland. No country on the face of the globe had ever suffered so much as Ireland had lately done, but the people had remained true to the law, and true to their attachment to the Crown and constitution. It should be borne in mind that there were many extenuating circumstances to be urged in behalf of Mr. Smith O'Brien and his followers. Leniency ought to be extended to them, because they had not been convicted of any previous offence against the laws. They were not governed by any sordid motives. They had not endeavoured to overturn the social condition of the country, and from the first moment they had declared themselves anxious to respect the rights of property. It was true they had been convicted of high treason, but he was convinced that their only desire was to obtain a repeal of the legislative Union. They did not seek the subversal of the constitution, and, least of all, did they ever contemplate any attempt on the life of the Sovereign.

Mr. Serjeant TALFOURD thought it unnecessary that the Motion of his hon. and learned Friend the Member for the University of Dublin should be acceded to, because he considered it impossible that ingenuity could suggest any points on behalf of these prisoners which had not been argued by those hon. Members who had truly been their counsel in their places in that House. It had been said that this was an extraordinary measure; and, upon that observation, he would retort that it arose out of most extraordinary circumstances. If a stranger had entered the House during a portion of this debate, he would have supposed that some gross cruelty—some injury and wrong—was about to be inflicted upon an innocent party, for he could not have thought that the only object they had in view was to remove an obstacle to the fitting exercise of a most gracious act of Royal clemency. There had been, on the part of the prisoners, an attempt to take advantage of the early intimation which had been given them of that clemency. The hon. and learned Member for Oxford was mistaken in supposing that an order for the transportation of the prisoners had actually been issued by the Lord Lieutenant of Ireland. No such order had been issued; but to remove all anxiety from the minds of the prisoners and their friends, a letter was written by Mr. Redington, Under Secretary for Ireland, to the governor of the Bridewell where the prisoners were confined, stating that it was not the intention of the Crown that the extreme sentence of the law should be carried into effect, but that it would be commuted to transportation for life. That was not, then, a simple declaration of pardon, but it was coupled with a qualification without which the pardon would be regarded by the great majority of the people of this country as anything but a true act of grace; and the Government were now asking for the means of effecting this most gracious purpose. It was utterly impossible that this question could be brought—as some hon. Gentleman seemed to suppose—before the Court of Queen's Bench in Dublin; because the object of a writ of *habeas corpus* was to ascertain whether the party was in lawful custody, and what special return could be made—even if there were a willingness to indulge the extraordinary disposition of these prisoners—which would shut out the fact that they were attainted of high treason, and that if mercy were extended to them it must be upon certain conditions. The hon. and learned Member for Dublin University had said that the case of these prisoners was one in which the extreme punishment of the law ought not to be carried into effect. He (Mr. Serjeant Talfourd) begged, on behalf of a large body of people in this country, to differ entirely from that proposition, if they were to regard nothing but the atrocity of the offence. He would grant, however, that taking into consideration the peculiar character and conduct — including many personal excellences — and the high descent and connexions of the principal traitor in this case — considering the desirableness of showing mercy and clemency to those whom he deluded—whom he instigated, and whom he betrayed; and considering also the strong repugnance felt by a large body of thinking people in this country to the infliction of the punishment of death, many persons had rejoiced—and he (Mr. Serjeant Talfourd), too, rejoiced that the punishment of death was averted in this particular case. But if he were asked to look upon this case with reference to the ordinary administration of justice, he did not think it one which called for merciful consideration, and he deemed it an act of the greatest clemency to extend such mercy as he thought had been too unthankfully received and too ungraciously requited. The hon. and learned Member for Athlone had suggested that these persons should be imprisoned for life, with a sentence of death perpetually hanging over them, and respited from time to time. He (Mr. Serjeant Talfourd) did not deny that the Crown might from time to time respite sentence of death, and might eventually pardon with or without conditions; but, to contemplate the infliction of imprisonment for life under colour of perpetual respites from time to time, was one of the most unconstitutional suggestions that could be made. One of the provisions of Magna Charta was that excessive imprisonment should not be inflicted; but if the suggestion of the hon. and learned Gentleman were adopted, this privilege would be a nullity. The hon. and learned Member for Youghall seemed to suppose that these parties would be transported to Norfolk Island, or that the punishment would be carried out under circumstances of peculiar humiliation. He thought, however, that the apprehensions of the hon. and learned Gentleman were wholly unwarranted, and that there was no reason to suppose that the prisoners would be treated with any undue severity. Although this Bill recited that doubts had arisen with reference to the law, he had no doubt whatever that the Irish Act empowered the Queen to annex the condition of transportation to her pardon, or —if She thought fit—to transport a person liable to the punishment of death; and he entertained no doubt that if the order of the Lord Lieutenant had been executed, it would have been a perfectly legal proceeding. He thought this Bill had been wisely and fitly introduced, not to deprive the accused of any right, for they had none, but to prevent the smallest question arising as to the existence of any legal obstacle. He regarded it as an act of clemency most wise—most just—and most considerate—a clemency which he thought ought to find a response in the heart of every Irishman—a clemency which he hoped the House would not defeat by refusing their assent to this Bill, and which he trusted they would not delay by the unnecessary course of hearing counsel at the bar.

MR. E. B. ROCHE observed, that the hon. and learned Gentleman who had last spoken had given his support not many nights since to a Bill for affording indemnity to rebels in Canada. The Canadian rebellion was wide spread, and he (Mr. Roche) might almost say, successful. Property was destroyed; blood was shed; and the dominion of this country over the colony was perilled. In Ireland they had a rebellion which was futile; no property was destroyed, nor was an attempt made to shake off the dominion of this country; yet the hon. and learned Member for Reading was prepared by his vote to-night to aggravate the punishment of the persons engaged in that rebellion. It was said that the desire of Mr. Smith O'Brien, and the other parties convicted, was to be made martyrs; but it was by bringing in such a Bill as the present, and attaching notoriety to them, that the Government made them greater martyrs than they were before. If the Bill were necessary, it made a new law to punish a past offence; and if it were not necessary, it only served to give to those persons an importance which, it was said, they were anxious for. Would any one believe, if the case had arisen in England, that such a proceeding would be permitted? To adopt it, then, in the present instance, would only be furnishing an argument to those who maintained that the legislation for England was different from the legislation for Ireland. If the vain and foolish acts of these foolish men had been committed in England, the convicted parties would not be hanged in this country after the lapse of twelve months, and at a period when quietness prevailed; and, indeed, the official letter which had been written was an admission that these parties ought not to be hanged in Ireland. But the Government now proposed to change the law by which Mr. Smith O'Brien and the other persons in question might be confined during their lives, in order to substitute for it transportation—a punishment which, considering the men and the manner in which they had been educated, he conceived would be more aggravated and horrible to them than the punishment of death.

MR. LAWLESS contended that this was a glorious opportunity for the exercise of the Queen's prerogative to the fullest extent; but the present advisers of the Crown, by a shortsighted policy, prevented her exercising that prerogative which he believed She herself desired. Such clemency would render future rebellion in Ireland impossible. After referring to the case of Mr. O'Doherty, which he contended was one of peculiar hardship, inasmuch as he had been tried three times and acquitted twice, and when convicted was strongly recommended to mercy by the jury, the hon. Gentleman went on to say that in his opinion this Bill was being hurried through Parliament in the same manner that all Bills against Ireland were urged by the present Government. They would not dare to adopt such a course with respect to England. He would, therefore, pledge himself to oppose every stage of this Bill; and if he stood alone, he would divide the House a hundred times rather than let the measure pass.

MR. W. FAGAN was anxious to treat the question as a constitutional one, because he thought that in that point of view he should obtain more of the attention of hon. Members in that House. He denied that the present Bill was an act of mercy. The letter of the Lord Lieutenant to those gentlemen stated that the original sentence passed upon them would not be carried out. Under those circumstances, he submitted, it was utterly impossible that the extreme penalty of the law could be now exacted. This Bill, then, which was introduced for the purpose of enabling the Government to transport these persons for life, could not, for one moment, be looked upon as carrying out the recommendation of mercy. Considering the present condition of Ireland, the determination of the people, even whilst suffering the most dreadful privations, to avoid any outrage upon property—considering how little the rights of property had been invaded during the late insurrection, he thought the Government would have exhibited both good policy and wisdom in not only declining to carry out the extreme penalty of the law, but in avoiding an application to Parliament for power to enable them to carry out a punishment that was nearly as severe as death—namely, the transportation of those gentlemen for life to a penal colony. He could not avoid remarking the difference of their conduct towards Canada. He was unwilling to believe that that difference was influenced by the fact of Canada being nearer to the United States, and further from the mother country, than Ireland was. The chief person against whom this Bill was aimed had been for twenty years a Member of this House, during which time he had been most assiduous in his attendance, from the belief that his country would yet receive ample justice from the British Legislature. It was not until the eleventh hour that he was induced to turn his attention to the agitation that was then going on in Ireland, under the conviction that that justice which he demanded, and which he saw his country required, could not be obtained here, but must only be sought for through a domestic legislature. He (Mr. Fagan) had the pleasure of his acquaintance, as well as that of the acquaintance of one of his fellow-prisoners, and he did not for one moment believe that they had ever contemplated separation or rebellion against Her Majesty's authority. Never, until the introduction of the Habeas Corpus Suspension Act, was anything like violence contemplated. He knew, on the contrary, the deep anxiety felt by those gentlemen to prevent the growth of disaffection towards this country. It was to the introduction of the unfortunate measure for the suspension of the Habeas Corpus Act that the unfortunate event which gave rise to this measure was to be attributed. Although this Bill was called by some hon. Members here as an act of mercy, he looked upon it only in the light of another act of coercion against his misgoverned and afflicted country.

MR. GODSON said, that the hon. and learned Attorney General had admitted, by the authority of *Comyn's Digest*, that the Crown at common law had full power to enforce the conditions of a pardon. To that law he (Mr. Godson) fully subscribed. If, then, the Crown had that power at common law, the punishment the Crown would then enforce would of necessity be a common-law punishment. Now, a common-law punishment was fine and imprisonment; therefore the common-law punishment which could have been substituted for death would have been fine and imprisonment. He took that to be good law, upon the admission of the Attorney General himself. If that be the case, then this Bill was wholly unnecessary; and if the Crown had substituted imprisonment for death in this case, he thought that they would never have had this discussion. It was not until, mistaking their proper course, they substituted transportation for death, that his hon. and learned Friend thought it necessary to look into the law for authority to sustain the course that had been taken. This inquiry should rather have been made before they consented to substitute transportation for death. The present Bill might then be withdrawn, and imprisonment inflicted. It had been asserted that the word "felon" in the 12th Geo. I., of necessity included the traitor. If that be agreed, then he said that the Bill, instead of being a Bill of mercy, was the very contrary; for it was proposed by it to increase the punishment that could otherwise be inflicted, from imprisonment—the common-law punishment—to transportation. It was said, it was obvious that those who penned the Act of 12th Geo. I. intended to include traitors in the word "felon." It should, however, be recollected, that there is no rule of law so clear as this—that in all criminal proceedings the words must be taken in their ordinary sense, and no inferences were allowed to extend the meaning of a penal statute. If, therefore, the 12th George I., as hitherto read, applied to felons only, they could not now for the first time read the word "felon" in the enlarged sense of traitor. In all their elementary books of law, crime was divided into three classes—namely, treason, felony, and misdemeanor. Now, he would ask whether they supposed that a lawyer, when reading a book upon felony, necessarily carried in his mind the question of treason? No; nothing, perhaps, would be further from his thoughts at such a moment. They could not enlarge the ordinary sense of the word "felon" so as to make it include traitor. At common law the Crown could not inflict the punishment of transportation; at common law such a punishment was unknown. It was not until about the time of Charles II. that they had any mention made of transportation. It was his impression that if the attention of the law officers in Ireland had been drawn to these facts, and if they had been aware that the Queen could at common law enforce imprisonment, the letter intimating that the punishment of transportation would be carried into effect would never have been written, and they would never have heard of this Bill.

Mr. MONSELL said, his feelings would not allow him to remain entirely silent. He wished the House to consider what the practical effect of passing this Bill would be upon the gentlemen who were to be affected by it. It had been admitted by almost who had spoken on the subject, that it was idle to imagine that the sentence of death could be carried into effect. ["No, no!"] Legally, of course, the sentence could be carried out, but what he meant was, that practically it could not. There was no doubt the Government had the power of imprisonment for life, but the effect of this Bill would be to allow them to change the punishment of imprisonment for life into transportation. Therefore, the real and practical effect of the measure was to enable the Government to inflict a heavier penalty than was now in their power, unless the Bill were to pass. Consequently, in that point of view, he regarded the measure as *ex post facto* legislation. He exhorted the Government to remember the memorials and petitions that had been presented by the very parties in Ireland who had been most subjected to the evil and unfortunate effects of the misguided movement of last year, and yet who had come forward to pray for a mitigation of the sentence. Appeals such as these ought to have some effect upon the minds of the Government and that House.

Mr. REYNOLDS said, he had paid great attention to all the arguments on both sides of the question, and particular attention to the law arguments. It struck him as singular that all the lawyers who advocated this Bill had declared that there was no necessity for it. The literal translation of the whole matter appeared to be this: Her Majesty had the power of directing the sentence of death to be carried out. Her Majesty, feeling mercifully disposed, and her advisers coinciding in Her Majesty's opinion, had determined that the sentence should not be carried out; and for that they, in his judgment, deserved great credit, although he did not agree with the hon. and learned Member for Reading that this was an act of mercy for which every Irishman ought to feel thankful. He (Mr. Reynolds) was an Irishman, and gloried in the name, and he, for one, was not thankful for this act of mercy, and he thought it a misnomer and a misapplication of the term to call it an act of mercy. What were the facts? These men, misguided and misled, as he admitted them to have been, were sentenced to death. Public opinion in England and in Ireland, had declared that they ought not to be hanged. A hundred and fifty thousand persons in Ireland, consisting of the nobility and gentry, and the clergy of all persuasions, called upon the Government for mercy towards these men; and believed that even a smaller punishment than transportation for life ought to be inflicted upon these men. He coincided with that opinion, although there was not a man in or out of that House who had condemned their policy and proceedings oftener than he had done. He belonged to a different school of politicians in Ireland—the moral-force politicians. He believed that the demand for political amelioration should be made at the bar of that House. They (the prisoners) thought differently, believing that by force of arms they could emancipate their country. It was said, they tried the experiment. He denied that they tried the experiment. They followed their own passions; they acted without reflection; they went into the provinces—and what occurred? It was dignified with the name of rebellion. A name could not have been given which it less deserved. A rebellion! They were three months among the people; no man suffered in his property to the extent of a shilling, and one life was lost in a row with the police. But if the people of Ireland had really responded to the call, not the 40,000 troops, nor four times forty thousand, would have been sufficient to put them down. But the people of Ireland laughed at the rebellion. There was no rebellion at all; and it was just a puddle in a storm. He would ask the right hon. Baronet the Secretary for Ireland was he aware that the paper which had been alluded to, bearing date the 5th June instant, was read to the prisoners on the day it bore date; that upon the 9th June, the Saturday following, a posse of police and military visited the front of the gaol in which the prisoners were confined, and almost surrounded it; that the governor of the gaol waited on Mr. Smith O'Brien and his fellow-prisoners in their cells, and stated that they were to prepare themselves for departure, for they were to be conveyed to the place of their destination; that the prisoners packed up their luggage, got themselves in travelling order, and descended to the porch of the prison, where they waited three hours, hoping every moment to be put in the vans which were to carry them away; that another order arrived, and they were directed to go back into their cells, and that the police and military were sent about their business? What he wanted to know was, whether any warrant had been sent from the Castle on the 9th of June, this document bearing date on the 5th of June? What was now proposed to be done? It was proposed to pass an Act to enable the authorities to transport Mr. Smith O'Brien and his fellow-prisoners for life to one of the most remote colonies under the British Crown; and that was called mercy. Well, it might be mercy under different circumstances; but he must remind the House of other circumstances, for he pitied the wives and children of these men. In this respect how was Mr. O'Brien situated? He had a wife and seven children, the eldest of whom was only nine years old. These were to be torn from him, and he was to be sent to a remote colony. Perhaps it might be said that this crime of high treason was so great that it admitted of no minor punishment; but let them search the annals of convictions and sentences, and they would find offences of greater enormity not visited so heavily; and he really thought that the expressed feelings and wishes of 150,000 people of all religious persuasions in Ireland ought to have some weight with the Government. Some excuse should be made for a man of hot temperament beholding his fellow-countrymen sinking day after day into the grave in misery and starvation, the sad result of centuries of misgovernment, until he became excited into that state in which, thank God, he (Mr. Reynolds) never had been—a state of despair—in which he said that no good could ever be obtained from Englishmen for his country, and then committed himself, his family, his prospects, in a shattered and wretched vessel, in which all were wrecked. Let the House recollect this—the eyes of the suffering and unfortunate people of Ireland were upon their legislation, and it would probably be said that they were too severe upon these unfortunate men—that a Bill to transport them had been passed with, he would not say indecent haste, but certainly with railway rapidity, through one branch of the Legislature—and that the right hon. Gentleman introduced it in the House of Commons at half-past one o'clock on Saturday morning. [Sir G. Grey: The Bill was introduced as soon as it was brought down by messengers from the Lords.] There were only twenty-seven Members present, and the right hon. Gentleman moved the first reading at that hour on Saturday morning. He (Mr. Reynolds) happened to be leaving the House at the time, when the hon. and gallant Member for Portarlington said to him, "Are you aware of what has been done—of what the Secretary of State has done? He has carried the first reading of that flagrant Felony Bill." He (Mr. Reynolds) returned and asked the Speaker if that were the case; and the reply was in the affirmative. The explanation of the right hon. Baronet was, that it was the natural course that a Bill coming from the House of Lords should be read a first time. He (Mr. Reynolds) respected the Lords as much as they were entitled to, but certainly not so much as to read for the first time, out of courtesy to them, a Bill against which he should have divided the House. And he had then an excellent opportunity of opposing the Bill, for he should have moved that the House be counted, and thus have delayed the measure at least one stage. He appealed to the Government and the House on behalf of these unfortunate men, on the ground of their long suffering, of the suffering of their wives and families, and on the ground of the peaceable and loyal state of the country; and he assured Her Majesty's Government that if they were to order the liberation of these men on the condition that they would voluntarily expatriate themselves, the act would be received as a compliment by the people, and would do more to pacify Ireland than a resort to any such coercive measures as the present.

Sir J. GRAHAM: Sir, I cannot reconcile it to my sense of duty to give a silent vote upon this question. If I consulted only my feelings, I should abstain from saying anything upon the present occasion; for during many years while Mr. Smith O'Brien sat in this House, I was on terms of easy and almost friendly communication with him, several of his nearest relations being my most intimate friends; and under any circumstances, considering Mr. Smith O'Brien's present condition, I should think it inexcusable on my part to say anything which could tend to the aggravation of his punishment. But after the speech which we have just heard, I am sorry to say that I cannot venture to say anything in extenuation of his crime. Something has been said with reference to his wife and his relations—those dear relations his children; I must say that I think it would have been well if Mr. Smith O'Brien had remembered that wife and those children before he embarked in the hopeless project which has been brought home to him by the verdict of his countrymen as the grave crime of treason. Something also was said with reference to the eyes of Ireland being fixed upon us. I feel that they are; and when it has been the painful duty of the Ministers of the Crown to advise condign punishment in the case of persons in a humbler station of life, I think, if the eyes of Ireland are fixed upon us, we shall be held inexcusable if we fail, as far as in us lies, to aid the administration of justice with respect to a person occupying the station of Mr. Smith O'Brien. The question we are now called upon to discuss is one mainly, as it appears to me, of law. I have had the honour for many years of being more particularly the adviser of Her Majesty with respect to the exercise of that prerogative—the noblest, the brightest, the most precious, which adorns the Crown of England—the prerogative of mercy; and there is this remarkable feature in it, as I have always thought, that, like "the quality of mercy" itself, it was a prerogative that could not be strained. Every other prerogative might be used adversely to the subject; this can only be used for the benefit of the subject—as in this case it appears to me to have been used. I admit it must be exercised according to law; but everything in the shape of aggravation of punishment on the part of the Crown is impossible; every mitigation of punishment I always thought was within the prerogative. If I had a doubt upon it, the hon. and learned Attorney General, with that clearness and precision which always distinguish everything he says upon a matter of law, has removed it. The question has been narrowed by the hon. and learned Attorney General into the construction of an Act passed in the reign of George I. applicable to Ireland, which says, that the prerogative may be exercised in the case of felony by the Crown. The statute of Edward extends to Ireland, that statute which creates treason; and what are the terms used in that statute as quoted by the hon. and learned Attorney General? The terms aré "treason or other felony." The statute of Gearge I. gives in distinct terms to the Crown the power of commuting the punishment in the case of felony to transportation. I must say, it appears to me that that simple statement disposes of the question, and I cannot see the point that has rendered necessary the introduction of this Bill. With a view, however, to greater caution, and to avoid the possibility of doubt, perhaps Her Majesty's Government is exercising a wise discretion in introducing this measure. But, having been introduced, and being now called upon to give an opinion upon it as a matter of law, I shall be ready to declare that to be law about which I have no doubt whatever, and give my support decidedly in favour of the Bill. I think that Her Majesty's Government has, under all the circumstances, wisely advised Her Majesty to commute the capital sentence; but I must at the same time say, I am decidedly of opinion, if it is to be remitted, that at all events the sentence ought to be commuted to the severest secondary punishment, so justly due for the crime which has been committed.

Mr. ROEBUCK said, that he agreed with what had fallen from the right hon. Baronet who had just sat down; but he understood the proposal of the hon. and learned Gentleman the Member for the University of Dublin upon the Motion for the second reading of the Bill, to be that counsel be heard at the bar in opposition to the Bill. Sir, I agree with this Bill. I shall vote for the second reading of this Bill. But I am also prepared to hear anything that can be advanced against the passing of this Bill, and I should not like to give a vote upon the Bill itself, and at the same time decide the question raised by the hon. and learned Gentleman opposite. I agree with the hon. and learned Gentleman that there cannot be a doubt about the Bill itself, introduced from extreme caution, being unnecessary on the part of the Government. They said, truly, that the law had given them the power of commuting the extreme sentence of the law to that of transportation. There can be no doubt of that power existing by the law as applicable to persons convicted of felony. The 12th George III., cap, 8., sec. 12, says, all persons convicted of felony may be transported. Now, I appeal to every lawyer in this House and out of it, and I want to know if any will have the audacity to say that treason is not felony? It is true, mere felony may not be treason, but it does not require a magician to discern that difference. Every treason is a felony, and the chapter of the law passed in the reign of George III. says that every person convicted of felony may be transported. These persons are convicted of treason. Then comes the question—is that treason a felony? I have in my hand the text-book of the law—Blackstone, and he says—

> "Treason itself, says Sir Edward Coke, was anciently comprised under the name of felony, and in confirmation of this we may observe, that the statute of treasons, 25 Edward III., c. 2, speaking of some dubious crimes, directs a reference to Parliament; that it may be there adjudged, 'whether they be treason, or other felony.' All treasons, therefore, strictly speaking, are felonies: though all felonies are not treason."

The only thing I wonder at is, that there should have been a law adviser of the Crown who would have disputed the proposition that treason is felony. Looking at the question in a law sense, there can be no doubt upon it. But there is a statement that the law is retrospective, and that it is finding a judgment and making a punishment after a crime is committed. ["Hear, hear!"] That cheer is just what I expected. I know that there are persons so destitute of all law as to make that an argument in the present case. All treason, I say, is governed in Ireland, as in England, by the law I have quoted. Treason is felony, and I call upon any lawyer to tell me it is not. But look at the question without reference to a lawyer's views. These persons are convicted of treason: they are subject to the utmost penalty of the law: they may be hanged to-morrow. The kindly feeling of the country acts upon the Ministry. Gentlemen sitting on that bench tell them, that although this be the law, although these men be brought directly under the effect of the law, although there be nothing to prevent their being hanged to-morrow, yet such is the kind feeling of the people of this country that they wish that punishment to be commuted to transportation. But I have heard that transportation is a more painful punishment than death. I have heard it said, I believe, in this House. This is the way in which men trifle with such grave subjects. If any Gentleman subjected to this punishment preferred to be hanged— [*Interruption.*] I am not speaking in the slightest degree in the way of joke, but am treating the subject in a very serious way. These men either meant something or nothing, and probably their belief was, that the kindly feeling of the people of this country was so strong on this matter, that if even by a quibble they could be brought out of their peculiar position, they would escape from the uttermost punishment of the law. But I will tell the noble Lord at the head of the Government what I would do were I in his position. I would hang them to-morrow rather than allow them to escape by such a means. I object to the punishment of death; but while the law stands as it is, I am not to be twisted from my purpose, nor the Government of this country to be placed in jeopardy by any such proceeding as this. I heard what the hon. Member for Meath said to-night, and I shall not forget what he said. Do not let him suppose that it is for the wisdom of it. He says that there was a ridiculous attempt at insurrection, that if they had not made this false move, it would have been found that there were some persons who would have made a real move, and that he would have been among such persons.

MR. GRATTAN rose to order. The hon. and learned Member had made him represent himself as a traitor, and say that he would have succeeded Mr. Smith O'Brien in his attempt. He said no such thing. Let the hon. and learned Gentleman tell the truth.

MR. ROEBUCK: I do not think it unlikely that what the hon. Gentleman said passed from his memory very soon after he uttered it; and I do not suppose that what the hon. Gentleman did say would rest on anybody's mind. But there was something so extraordinary and ludicrous in the statements he made, that by accident they are left on my memory. He did say it. I reassert it, and if by accident it has remained on the mind of any one on this bench, I ask him if the hon. Gentleman did not say it. And let me tell the hon. Gentleman that I make propositions; I do not make unmeaning asseverations, I make propositions; and, Sir, if you will permit me, under your kindness, and without interruption from the hon. Gentleman opposite, I will proceed to make this proposition, not interjectionally—not in a mad way, but in a straightforward and consecutive manner. What I say, Sir, is this, that the hon. Gentleman opposite stated that this rebellion was a ridiculous rebellion; but that if they had made a serious, rational rebellion, he would have been glad to sanction and to aid it. Yes, rational was the word —if it had been rational, then he would have aided it. [Mr. GRATTAN: No, no!] I beg pardon, I have it fixed in my memory, and I say the hon. Gentleman did say all I say now.

MR. GRATTAN rose to order. He wished to know whether the House would permit one hon. Member to say of another that he used language which he positively denies. The hon. and learned Gentleman said that he was prepared to take the place of a man who had been convicted of treason, or that he would have followed his steps. That was what the hon. and learned Gentleman said of him. Let him explain himself. He would insist on an explanation.

MR. SPEAKER: If any hon. Gentleman mis-state anything that another hon. Gentleman has said, the latter is perfectly at liberty to rise and state what he did say.

MR. GRATTAN: I stated that Mr. Smith O'Brien vulgarised sedition, and that his course had been such that he believed no one would follow his example; and as the hon. Member for Nottingham was then in his place, and made some remark, I went on to say that not even the Chartists would follow his example.

MR. ROEBUCK: I think that short explanation nearly answers all my purpose. The hon. Gentleman says that what has occurred in Ireland has vulgarised sedition, so that the hon. Gentleman opposite the Member for Nottingham would not follow the example. We are, however, engaged upon a question about a Bill brought in for the purpose of giving the Queen a power which has been disputed in certain quarters—to give Her Majesty the power of granting mercy—the power of commuting the sentence of death. I ask, first, whether this Bill is requisite? I say it is not requisite. I ask, then, supposing it to be requisite, what is the answer to it? The answer to it I understand to be, that it is a retroactive law, that it is a law which affects a person now a prisoner, who would not be affected thus were this Bill not passed. Had I been in the position of one of Her Majesty's Ministers, and feeling as I do upon this matter, if the Bill were not passed, and with the law, such as it is, in existence, whatever my feelings be on this question, generally speaking, I say if the law would permit it, the punishment should have been death. I say, with the existing law, such as it is, I would not have allowed the man who did this act to escape from the severest punishment which the law inflicts. I am not, Sir, a person to be turned aside from my purpose, whatever my feelings may otherwise be on the general proposition about the punishment of death; but I say of the transactions of this person, that they were those of one, if not deprived of reason, all his transactions were so thoroughly mischievous, so utterly careless of the miseries inflicted upon his poor followers, that I would be amongst the first to assert that he should be visited with the most severe punishment which the law could inflict; and it is nothing but the generosity of the English people acting upon this occasion, it is their enlightened feeling—it is their tenderness, and their benevolence, that prevents them on this occasion from carrying out the extreme measure of the law. Are we, then, to be deterred in the British House of Commons from looking upon such transactions in their own proper character? The hon. and learned Gentleman the Member for the University of Dublin, I believe, goes upon different motives. As I believe him opposed in politics to the gentleman who is under sentence of death, I ask whether there was the slightest pretence for this rebellion? I do not merely ask whether there was the slightest pretence, I ask whether there was the slightest chance of success? Yet this person — this Smith O'Brien, takes his followers into trouble, he is not killed himself there, but he takes them into trouble, into battle, into the most fearful difficulties into which men could be carried, with the terrible opposition against them of such a Government, and in such a country; and I ask, whether the man who has taken them into these difficulties is now in such a position that he ought to escape? I have said already, that were I in the position now occupied by the Government, and if I could have known the opposition which this Bill has received, not only would I have sanctioned his punishment, but I would have sanctioned the extreme sentence. But when the pity of the people of England, acting upon the Ministry, prevents such a law from taking its course, is it here to be met with arguments in the most pettifogging spirit? What is the meaning of this? I ask what is the meaning? It is an insult to the common sense of the people of England. They ask the Ministry to be gentle, mild, and merciful; and a pettifogging feeling introduces opposition to the mild and merciful proposition. There is no end in this. Do they mean this gentleman to be hanged? ["No, no!" *from the Opposition benches.*] Then, do they tell me, since they will persevere in such opposition, that he cannot be hanged? Is there any man here, if he be a lawyer, who knows the law, who will say that, if Her Majesty should so choose, she may not sign the warrant, and have him executed immediately? I see a Gentleman opposite who says the Queen could not do this? [An Hon. MEMBER: Yes!] Now, here are all about us lawyers. [A VOICE: What, all the Assembly?] [Mr. REYNOLDS: Oh, no, no! Heaven help us! No, no!] Here is a Gentleman from Ireland who does not understand English, and he asks if I mean all this Assembly. No. I see on the one side the highest law officer of the Crown, and on the other side and all round us I see lawyers. I ask now of these, if the spirit were abroad that we have known even in our younger days, whether or not a Minister of the Crown gave his advice to Her Majesty, She would not have sent the warrant to Ireland, and the extreme punishment of the law have been inflicted within forty-eight hours after? But such, fortunately, is not the spirit of the time; and so contrary are the feelings of the people of this country, that they do not wish to see such crimes, or in fact any crimes, visited with that dreadful punishment. Nothing less than that which we have seen within the last few months—nothing less than such horrible deeds of murder—are sufficient, in the opinion of the people, to justify the taking away of life; and the Ministers of this country have done what in them lies to do away with this dreadful punishment. They have met the generosity of the people; they have done what they desired; they have transported the man. But this I will say, that Ministers, feeling strongly upon this, the effect of public opinion, desire to make that public opinion favourable to themselves. I do not say it is an improper feeling—for it is a feeling which I should wish to cherish and to forward. But I say, they, feeling that, and seeing a doubt in some men's minds—I do not care whose minds, but I say they are no lawyers—but such a doubt existing in some men's minds, Ministers say, "We see you entertain a doubt; there is no occasion for it; but as it is there, we will bring in a Bill to prevent all doubt; and so we shall prevent the legal consequences to the convict: we won't hang him, but we will transport him." I ask you, then, how is it possible to oppose a Bill like this? I ask hon. Gentlemen, if they are opposed, that they will not oppose the second reading. An hon. Gentleman opposite asks that the convict should be heard by counsel at the bar of the House. I am quite willing to accede to that proposition. But I have fully made up my mind, according to my present knowledge, although I do not say that some lights may not be brought to bear upon the question so as to alter my opinion. I, therefore, venture to suggest to the hon. and learned Gentleman that he should allow the Bill to pass the second reading, and then give notice of a Motion that counsel should be heard at the bar of the House against the further progress of the measure. I, for my part, will accede to that proposition. But I will not be mistaken about the Bill itself. It deserves the approbation, not of this House alone, but of the world at large; it sets an example which I hope will be followed in all time coming, so that society shall be induced to do away with the punishment of death altogether. I say that, but I will not be driven from my purpose in any way by the notion of anybody; and I say that the law ought to be carried out as it was when the offence was committed. I say that this commutation of the law is a merciful commutation, and is not retroactive for any vicious, cruel purpose; but being simply merciful, I ask this House to sanction the merciful desires of the Ministers, enforced by the generous and merciful people of this country.

MR. GODSON, in explanation, said, that neither had he, nor any one else, denied that treason included felony; but his argument was, that, as the hon. and learned Attorney General had admitted that at common law the ground of an enforced commutation of punishment was the power which the Crown possessed to inflict imprisonment, there was a law already existing, without statute, by which Mr. Smith O'Brien might be punished, namely, by imprisonment. And as it was obvious that when the 12th of George I. was passed, it was not intended to include treason, otherwise traitors would have been mentioned; he therefore maintained that the common ordinary sense of the word "felony" was the meaning of the word used in the statute, and not treason.

MR. R. M. FOX explained that what

he meant to convey by his interruption of the hon. and learned Gentleman was, that, after the pardon had been in fact passed by the Crown for the capital offence of these unfortunate men, he hoped the House would not be led to come to a severe decision against them, and at all events would not refuse to allow them to be heard by counsel at the bar of that House by the persuasion and argument of the hon. and learned Gentleman, who had himself stood at that bar as the hired advocate of rebels.

Mr. ROEBUCK: This only shows the spirit in which these matters are argued by hon. Gentlemen opposite. Why, Sir, I spoke in favour of counsel being heard at the bar. That was my argument. I say to that hon. Gentleman, when he says to me that I was the hired advocate of rebels, that he states that which is simply a falsehood. [*Cries of* "Order!"]

Mr. SPEAKER: The expression which has fallen from the hon. and learned Gentleman certainly is not Parliamentary, and ought to be retracted.

Mr. ROEBUCK: Sir, the expression not being Parliamentary, for that reason I retract it.

Mr. GRATTAN confessed he was surprised that the hon. and learned Gentleman should have expressed himself in such terms as he had done. If he would alter his manner, he would show more respect for himself and for the House. ["Question, question!"] The question is, whether we shall hear counsel at the bar or not.

Mr. F. FRENCH: No; the question is not whether we shall hear counsel at the bar or not, but the question is whether the hon. and learned Member for Sheffield shall or shall not withdraw the language which he has addressed to an hon. Member in this House, and which no hon. Member has a right to address to another.

Mr. SPEAKER: I understood the hon. and learned Member for Sheffield to have withdrawn the expression.

Mr. ROEBUCK: Yes, Sir, yes. I will say at once, feeling as I always do the greatest respect towards this House, that anything which should be said by me that transcends its forms and its orders I am most willing to retract; but I hope the House will allow me the right to defend myself against a most unjust imputation. I most willingly retract any form of expression which I may have made use of contrary to the rules of the House, retaining still a direct denial of the assertion of the hon. Gentleman, which assertion was made without proof, which has been denied by myself many's the time and oft, and which I say, in the spirit of an honourable opposition in political life, ought not to have been reasserted. I hope the House will excuse me for having for a moment gone beyond those limits which they have very properly decided that no hon. Member ought to transcend, and which I acknowledge I have for an instant done. I retract the expression, and make many apologies to the House, and more especially to you, Sir; but to the hon. Gentleman opposite I have no apology to make.

Mr. GRATTAN very much doubted the courage of the hon. and learned Member, although he made such a display of it in that House. But if the hon. and learned Member would persist in throwing himself in the way of the Irish Members, he must not be surprised if they sometimes trod on him. The hon. and learned Gentleman has been more kind to the hon. Member for Longford than to me, but let that pass. The hon. and learned Member talked of magnanimity and humanity; but if Government wished to practise humanity, why not imprison these individuals? But that was not their object; their object was punishment and penalty. The hon. and learned Member for Sheffield had said that it would be better to hang the prisoners than that they should be let off on the plea of pettifogging lawyers. But had that been the practice in other countries during recent events? In France thousands had been killed in the streets, but not one insurgent had been executed except the assassins of General Brea. Even in Ireland, Lords Clare and Castlereagh had acted more mercifully, having merely sent those convicted of political offences out of Europe. But these unfortunate men were to be sent to a place which had been represented by its own governor as a perfect hell. Every day they had instances of the change of public opinion with regard to the punishment due to political crimes. In one country they found a man who was branded as a traitor one day, promoted on another to the high and responsible office of Attorney General; and in another they saw a man, who after suffering years of imprisonment for having endeavoured to raise a rebellion, placed at the head of the nation; surely, then, in a case which scarcely deserved the name of insurrection, they were not to act with undue severity. To punish these men with rigour would not be the way to bring tranquillity and peace to the country. He called on Ministers to bring in some plan to save Ireland from the absolute ruin with which she was threatened, instead of encouraging by their neglect, mock insurrections; and suggested that the best course Her Majesty could take with regard to these political prisoners would be to pardon them after a short imprisonment. He should support the Amendment.

Mr. O'FLAHERTY regretted exceedingly the tone which the debate had assumed. The question ought to have been considered upon large constitutional principles; but those principles appeared to have been entirely forgotten, especially by English lawyers. Without attaching blame to any particular party, he confessed it would have been more honourable on the part of the British House of Commons to have considered the position of those unfortunate gentlemen whose case was before them; and, if it were not possible for the House to listen to their case, they ought at least to dispose of it in an honest and upright manner. He had hoped that such a case would have been made out as would have induced the Ministers to recommend Her Majesty to allow some fair mitigation of their punishment; for he regretted to say that he considered the conduct of those gentlemen perhaps deserved some degree of punishment. He was quite sure that if the case had been an English one, it would not have been argued as this had been; but unfortunately all Irish questions in that House and among the English nation were at the present moment at a discount. The complaints of Irishmen were listened to with inattention, and were disposed of without due consideration. He appealed to the justice of an English House of Commons to give those gentlemen a fair and impartial hearing.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 178; Noes 31: Majority 147.

List of the Ayes.

Abdy, T. N.
Acland, Sir T. D.
Adair, R. N.
Alcock, T.
Archdall, Capt. M.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bass, M. T.
Bateson, T.
Bellew, R. M.
Berkeley, hon. Capt.
Bernal, R.
Bernard, Visct.
Birch, Sir T. B.
Blackall, S. W.
Blair, S.
Bowles, Adm.
Boyle, hon. Col.
Bremridge, R.
Brisco, M.
Broadley, H.
Brocklehurst, J.
Brooke, Sir A. B.
Brotherton, J.
Brown, W.
Bunbury, W.
Bunbury, E. H.
Busfeild, W.
Campbell, hon. W. F.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Cobbold, J. C.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Corry, rt. hon. H. L.
Cowan, C.
Craig, W. G.
Crowder, R. B.
Currie, H.
Davie, Sir H. R. F.
Davies, D. A. S.
Deedes, W.
Denison, W. J.
Dick, Q.
Drummond, H.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duff, J.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, G.
Dundas, Sir D.
East, Sir J. B.
Ebrington, Visct.
Edwards, H.
Fergus, J.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzpatrick, rt. hon. J. W.
Fordyce, A. D.
Fortescue, C.
Freestun, Col.
Frewen, C. H.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greenall, G.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Guest, Sir J.
Harris, R.
Hastie, A.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcoat, J.
Henry, A.
Herries, rt. hon. J. C.
Heywood, J.
Heyworth, L.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Hope, Sir J.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Jervis, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Ker, R.
Kershaw, J.
Kildare, Marq. of
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsay, hon. Col.
Lockhart, W.
Mackinnon, W. A.
Macnaghten, Sir E.
Maitland, T.
Marshall, W.
Martin, J.
Martin, C. W.
Martin, S.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milton, Visct.
Mitchell, T. A.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Norreys, Lord
Ogle, S. C. H.
Ord, W.
Paget, Lord A.
Paget, Lord C.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, Col.
Pigott, F.
Pinney, W.
Plowden, W. H. C.
Plumptre, J. P.
Price, Sir R.
Pugh, D.
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Rich, H.
Roebuck, J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Rutherford, A.
Salwey, Col.
Sandars, G.
Scholefield, W.
Sheil, rt. hon. R. L.
Smith, rt. hon. R. V.
Smith, M. T.
Smollett, A.
Somerville, rt. hn. Sir W.
Stanley, hon. E. H.
Stansfield, W. R. C.
Stanton, W. H.
Talfourd, Serj.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Trelawny, J. S.
Vane, Lord H.
Vesey, hon. T.
Vivian, J. E.
Walsh, Sir J. B.
Watkins, Col. L.
Wawn, J. T.
Wellesley, Lord C.
West, F. R.
Willyams, H.

Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Young, Sir J.

TELLERS.
Tufnell, H.
Hill, Lord M.

List of the NOES.

Anstey, T. C.
Butler, P. S.
Caulfeild, J. M.
Devereux, J. T.
Dickson, S.
Dunne, F. P.
Fagan, W.
Fox, R. M.
Fox, W. J.
French, F.
Godson, R.
Grace, O. D. J.
Grattan, H.
Greene, J.
Hamilton, G. A.
Keogh, W.
Lawless, hon. C.
M'Cullagh, W. T.
Monsell, W.
Moore, G. H.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir L.
O'Connor, F.
O'Flaherty, A.
Reynolds, J.
Roche, E. B.
Scully, F.
Sullivan, M.
Tenison, E. K.

TELLERS.
Napier, J.
O'Connell, J.

Question again proposed, "That the Bill be now read a second time."

MR. C. ANSTEY complained that the discussion on so important a subject had been somewhat scanty. A deal of indecent and undue precipitation had been displayed by those who desired to promote the success of the Bill. They wished to extinguish discussion. The only opportunity the opponents of the Bill had of urging their well-founded objections was when the vast majority of the House were at their dinners; but those who had then absented themselves were now present to vote. It was too late at that period of the evening to enter on the discussion of the principle of the Bill after the House had refused to receive any further information whatsoever. He should, therefore, move the adjournment of the debate. The Bill, in his opinion, was a great and serious innovation; it was a Bill of pains and penalties under the form of a Declaratory Act. The hon. and learned Member for Sheffield seemed to have formed his opinions without having heard the arguments. Certainly he was not present during the discussion upon the presentation of the petition; nor would his speech have been delivered at all if he had listened to the speeches of the hon. and learned Gentleman the Member for the University of Dublin, and that of the hon. and learned Member for Athlone. The hon. and learned Gentleman had thrown out this challenge—was there a lawyer in the House who had the audacity to maintain that this Bill was not necessary? In answer to that challenge, he begged to say that he had the audacity to maintain that treason was not, now-a-days, included in the phrase felony. Doubts existed as to the present state of the law, both among the Judges and the bar; and this Bill proposed to settle those doubts, not only for the future, but for the past. But in doing so they were legislating in the dark; and he considered that a jury giving a verdict without evidence would be a trivial offence compared with that of permitting their judgment to be guided by the Minister in favour of this measure without inquiry—a measure which really was a Bill of pains and penalties, under the pretence of being a Declaratory Act. Whatever might be the merits of Mr. Smith O'Brien's case, he had at least probable grounds to rely upon for the non-execution of his sentence. It was doubtful how far he might be at liberty to avail himself of plausible points of form. If the Bill was thrown out, and Ministers ventured to place Mr. Smith O'Brien on board a convict ship, they would subject themselves to what would most certainly follow—the necessity of anwering a writ of *habeas corpus* at the bar of the Queen's Bench. And if Mr. Smith O'Brien had no case for a *habeas corpus*, surely it would be an act of injustice for Parliament to interfere, and deprive him of such advantages as were afforded either by the merits of the case or the blunders of the Crown lawyers. If blunders had been made, let Mr. Smith O'Brien have the advantage of them. Let the same justice be extended to him as would be to the meanest criminal. No criminal was ever deprived of the advantage of a quibble in favour of life and liberty; but here was something more important than a quibble, and it was so *dignus vindice* as to justify the interposition of the omnipotence of Parliament. Whenever measures for abridging the liberty of the subject were considered advisable, the Whigs were always ready to bring them forward; but he was aware that to the Whig law and liberty were terms of no value. In the old statues the words misdemeanor, trespass, and felony, were held to include treason. ["No, no!"] If the hon. Member who cried "no," would refer to the year books, he would find that "trespass" in French, and "transgressio" in Latin, were held to include treason, though in modern times, no judge had been found to decide that trespass included misdemeanor, or that misdemeanor included felony. In the same way piracy was not held to be felony, because, though it included felony, it was held to be a higher offence, and was, therefore, punishable differently. But the Bill before the House violated the prerogative of the Crown, at the same time that it violated the liberty of the subject; because, being a Declaratory Act, it would be difficult if not impossible for the Queen hereafter, at any time, to pardon a person sentenced to death, except for the purpose of transporting him for life, or for a term of years. If this Bill did not pass, Ministers would be obliged, unless they were fettered by the pardon that had been given, to do what the convicted persons prayed them to do, that is, instead of transporting them, which was to degrade them for ever, to put them to death. Hon. Gentlemen opposite might think dishonour preferable to death; but Mr. Smith O'Brien was a gentleman of education and high feeling, and like many, he trusted, in that House, thought death preferable to dishonour. He (Mr. Anstey) had never denied the rebellion of last year, and had never thrown any difficulties in the way of the measures which Ministers thought expedient or necessary to put it down. He had never approved, either in that House or elsewhere, of the language that had been used by those parties, or of the acts which followed it; but he regarded this question as one of a very different character. It was whether a criminal, after conviction, was or was not to enjoy the small modicum of liberty and protection which the law still left him, or whether the Parliament was to come in and save the incapable law officers of Ireland from the consequences of the new blunders which they had committed, and which had already excited the scorn and ridicule of the world. He objected to being called upon to supply their defects, as he thought they ought to be accountable for their own errors. This measure ought to have been discussed in another place, where the Judges of the land would have had the power of expressing their opinion upon it. If there were sufficient spirit left among the Irish Members to support him, the Bill should not pass without being subjected to important alterations, and to test the spirit of those Members he would move that the debate be now adjourned.

MR. SCULLY seconded the Amendment.

MR. F. O'CONNOR said, that he had studiously avoided speaking on the question lest some injudicious expression should fall from him which might injure the cause of the petitioners, and he now rose merely for the purpose of expressing a hope that the hon. and learned Member for the University of Dublin would not allow the case to be taken out of his hands.

MR. NAPIER said, that the House having given what appeared to be a deliberate and an attentive consideration to the case involved in the petition presented by him at an early period of the evening, he was not disposed to carry opposition further. In his opinion the present measure was either unwise or unnecessary; but yielding to the expressed opinion of the House, he would not attempt to obstruct its progress.

MR. KEOGH begged the hon. and learned Member for Youghal to withdraw his Amendment, and leave the case in the hands of the hon. and learned Member for the University of Dublin.

MR. J. O'CONNELL also wished the Amendment to be withdrawn, in order that the House might come to a division on the principle of the Bill.

Motion made, and Question put, "That the debate be now adjourned."

The House divided:—Ayes 9; Noes 195: Majority 186.

List of the AYES.

Butler, P. S.	Reynolds, J.
Fagan, W.	Scully, F.
Grattan, H.	Williams, J.
Moore, G. H.	TELLERS.
O'Connell, J.	Anstey, T. C.
O'Flaherty, A.	Lawless, C. J.

Question again proposed, "That the Bill be now read a second time."

MR. ANSTEY expressed his determination, notwithstanding the decision to which the House had come, of dividing against the second reading of the Bill.

MR. REYNOLDS said, he was afraid, not being a lawyer, to say one word against the Bill, because he had the fear of the hon. and learned Member for Sheffield before his eyes. He had heard that hon. and learned Gentleman called before now the "Sheffield blade" in that House, and he thought he had that evening also shown some of the sides of a blade. The hon. and learned Gentleman said, "Will any lawyer have the audacity to tell me so and so?" The hon. and learned Gentleman said, "I speak in propositions, and not in interjections." He (Mr. Reynolds) was surprised the hon. and learned Member did not say that he spoke in proverbs. It occurred to him that the hon. and learned Member stood exceedingly well with himself. In Ireland they had a saying, when a man was guilty of egotism to a great extent, that whilst he was alive his trumpeter was not dead. The hon. and learned Member's trumpeter would live while he was Member for Sheffield. The hon. and learned Member reminded him of a countryman of his, who, going to a fair and finding no one ready to fight, threw back his coat and said, "Who'll tread on the skirt of that?" The hon. and learned Member had given a wholesale challenge—"Let me see any man who will dare to quote the law with me. I hold in my hands the Act of George I.," or George II., he (Mr. Reynolds) did not know which, but that hon. and learned Gentleman gave chapter and verse: he said, "Here is the text; here is the black letter; and here I am, the Member for Sheffield; and when I open my mouth, let no man speak—let no lawyer measure his legal knowledge with me—I am the law and the prophets." But when the hon. and learned Member for Kidderminster quoted the law and the prophets, the hon. and learned Member for Sheffield did not make any answer. An hon. and learned Gentleman had said that the mercy of the people of England pressed the Minister to mitigate this sentence. He would admit that the people of England, as a body, were benevolent and merciful. He thought so, and his intercourse with them had confirmed him in that opinion; but he denied that the hon. and learned Member for Sheffield was merciful. He heard the hon. and learned Member, with feelings not of sorrow alone, but of horror, rake up all matters connected with the unfortunate gentleman now under sentence of death: the hon. and learned Member said everything he could to aggravate the crime, but nothing to throw a shade over that gentleman's misfortune. He would remind the hon. and learned Gentleman that when a Gentleman thought fit to use an offensive phrase against another, that House was not the place to select. There was nothing more secure than to be personally offensive in that House. Hon. Gentlemen had no notion how secure they were in such circumstances. What mercy did the hon. and learned Member show? He voted against permitting the unfortunate prisoners being heard at the bar of the House. Was that mercy? If it were, he (Mr. Reynolds) did not understand the meaning of the expression. The hon. and learned Member thought the sentence not severe enough, and said, "What do they want—to be hanged? Sooner than submit to anything like success on their part, in this view I would hang them." He supposed the hon. and learned Member called that mercy. He recollected reading in the newspapers that the hon. and learned Member took him (Mr. Reynolds) to task on a former occasion for some observations he had made, and, if the newspaper was correct, the hon. and learned Member amused the House by imitating what he called "his Irish brogue;" but he had heard from hon. Members who were present that it was a dead failure. And he had heard more—that, upon that occasion, the noble Lord at the head of the Government said he was glad to see the hon. and learned Member again in the House; and that he reminded him of a frozen French horn which, becoming thawed, emitted sweet sounds—that meant the voice of the hon. and learned Member. He allowed that the noble Lord was a great and successful statesman; but he appeared to him (Mr. Reynolds) to be a bad judge of music; for if the noble Lord referred to the hon. and learned Gentleman's voice as music, it occurred to him to be just as appropriate to call the sound of a railway whistle music, for there appeared to him to be no music in the hon. and learned Gentleman's voice. ["Question!"] Let them recollect the question. It was whether, at the request of the hon. and learned Gentleman, who had entertained them with a long speech of special pleading, they would pass an *ex post facto* law to enable them to transport Mr. Smith O'Brien and his coassociates. He was totally opposed to the passing of this measure, but the alternative was not hanging. [Mr. ROEBUCK: Hear, hear!] That might be satisfactory to the hon. and learned Member; but there was another alternative, and it was this—Her Majesty might, if She pleased—and he believed that if She were so advised, nothing would be more agreeable to Her—still mitigate the sentence. He sincerely hoped Her Majesty might never take much of the hon. and learned Gentleman's advice, and, more than that, that the hon. and learned Gentleman might never enjoy the honour of Her Royal ear whenever mercy was to be extended to an Irishman. He believed that though they might not succeed in defeating the Bill, the appeal to mercy would have its weight, and that no further punishment would be inflicted on those who had been severely punished already by an imprionment of twelve months and the destruction of all their prospects. Surely a British House of Commons could not raise its voice for the purpose of further oppression. No man living more condemned their offence than himself. He had done so on the hustings and in the House; and giving them credit for the best possible intentions—[*Laughter*]—yes, the men thought they were right just as much as the promoters of the Bill—but conceding to them earnestness in pursuing their views, he knew they had done more harm and injury to the popular cause in Ireland than any body of agitators for the last half-century. He would not venture to say there were any enemies to Ireland in that House; but if there were, he could tell them they ought to go on their knees to Smith O'Brien and Company; for any one who wished to cripple the liberty of the subject or coerce the people of that country, had been infinitely assisted by those gentlemen. He hoped the House would not pass the Bill; and before he sat down, he wished to ask the right hon. Gentleman the Secretary of State if a document or warrant had not been actually sent to the gaol from the Castle on Saturday, the 9th of June, and whether the governor had not told the prisoners to get ready, and kept them waiting three hours?

SIR G. GREY said, he never heard of any such document, and that he had the authority of the Lord Lieutenant for stating that no such document commuting the sentence had ever been transmitted from the Castle.

MR. ROEBUCK could readily understand such would have been the answer of the right hon. Gentleman to the hon. Member for Dublin. As to the question before the House, he wished it should go forth to the country and to the world what it really was. Last year a number of Englishmen were tried for sedition, and having been convicted, were at that moment undergoing the sentence of transportation. They were not educated men; they had not led the people away under the sanction of that influence which education necessarily possessed in this and every country. But they were suffering the penalty of the law; and if the persons accused and found guilty of high treason were permitted to escape, every one of those poor unfortunate Englishmen had a right to appeal to the House and ask for a remission of their sentence. He insisted on that—yes, and he gave notice that if the sentence of the law should not be carried into execution on those men, he was resolved to ask for a mitigation of the punishment of the persons who had been transported for sedition. Not even the hon. Member for Dublin would pretend to say that those persons in Ireland had not been guilty of levying war against the Queen—the highest offence known to the law. They had been found guilty by a jury of their countrymen, and their sentence had been confirmed unanimously on an appeal to the highest court in the kingdom. There was, then, no injustice in the decision as far as the law was concerned. Let them see, then, if there were any moral circumstances connected with their crime which might tend to lessen their inculpation and punishment. He could imagine there were cases in which rebellion might have some justification, but in the present instance there was nothing to take their high treason out of the category of ridicule in which it had been placed by the hon. Member for Meath. Here were men so infatuated, so blind to anything but their own opinions, that they looked to neither right nor left, but seduced some ignorant men to rise in rebellion against the constituted authorities—a ridiculous outbreak, in which every sane man must know that cruel and terrible ruin must fall on the unfortunate creatures who fought, suffered, and died in it. Had not misery, distress, and death, been the consequence? And was it any excuse to say, every rational man knew the outbreak must fail, and that educated men, accustomed to sit in that House and discuss the matters relating to this great empire, should escape when his (Mr. Roebuck's) poor countrymen, Cuffey and others —[*Laughter*]—oh, yes, they laughed at Cuffey. He was a poor man. There was no sympathy for him. Oh, dear, no! He was not "a gentleman," therefore they had no Irish patriotism veiling itself in unintelligible ejaculations about him. If they wished his countrymen to be satisfied with the administration of the law, it must be fairly administered to Mr. Smith O'Brien, even though he was Mr. Smith O'Brien, as well as to the poorest in the land. The hon. Gentleman the Member for Dublin was so confused, that he could not recollect what had occurred for ten minutes together. He had accused him (Mr. Roebuck) of alluding to Mr. Smith O'Brien's family. The right hon. Baronet the Member for Ripon had done so; but he (Mr. Roebuck) had never mentioned their name.

He felt for them the deepest sympathy, and if any act of his could relieve them from suffering, it should be eagerly and anxiously performed. But when he said so, he could not forget the state of the law. Now, in the first place, he asserted in the face of every lawyer in the House that "treason" was included under the general term "felony," and therefore was included in the general Act of Parliament relating to felonies. He would like to see the lawyer who would deny that. [Mr. C. ANSTEY: I do.] Well, if the hon. and learned Member asserted that felony was not the common law term, he had done with it. [Mr. C. Anstey here walked across the floor of the House with an open book, which he presented to the hon. Member.] Well, what did he read there? Why, that in ancient times treason was comprised under the name of felony, but not the contrary. Therefore the pardon for felony had sometimes been alleged to apply to high treason; but the law was, that, were the power of pardon for felony to be dispensed with, then no indictment could lie for high treason. Now, he could not understand the work which the hon. and learned Member had put into his hand to be any answer to his arguments. What did it say? Why that all treasons were felonies, but not the contrary—that was, all felonies were not treason. All men were animals, but all animals were not men. He contended that the Crown had already the power to commute the punishment from death to transportation; but supposing, for the sake of argument, it had not, he was prepared to confer such a power by the present Bill. He would assert that there was not that strong moral feeling that would prevent the punishment of death from being inflicted, if the responsible counsellors of the Crown had not advised Her Majesty to commute the capital punishment. What had caused all this newborn sympathy with men who were allowed to be traitors? He could not understand it. Now, as the hon. Member for Dublin had referred to some observations which he had made on a former occasion, he begged to assure that hon. Gentleman he had only in a good-humoured manner referred to his speech relative to having a pull at the Exchequer.

MR. REYNOLDS: I never used the words.

MR. ROEBUCK: There were two hundred men in the House who would say that these words were uttered.

MR. REYNOLDS: No!

MR. SPEAKER: Order!

MR. ROEBUCK: I insist upon it they were; but it is disorderly to refer to a past debate, and I won't. In the course of the evening, too, the hon. Member for Mayo has contradicted my statements.

MR. D. BROWNE: They are false.

MR. ROEBUCK: The hon. Member for Mayo says "It is false."

MR. D. BROWNE: No, I said it was not true.

MR. ROEBUCK: The hon. Gentleman is not in that state in which I can notice what falls from him. He would leave the House to answer the argument of the hon. Member for Meath, and then to decide between them. ["Question!"] Question! but you did not call question when the hon. Member for Dublin attacked me just now. If this species of attacks are continued, because I, in my capacity as a Member of this House, choose to notice the way in which the Government of this country think proper to deal with Ireland, I am the more determined not to be turned from my course by any such violence or specimen of unfairness; but, supported as I am out of doors as well as in this House, I will endeavour by every means in my power to put a stop to that wasteful expenditure of the funds of my own country for the improvident use of the people of Ireland—of the money wrung from the hard hands of my countrymen to satisfy the rapacity of Irish idleness. ["Question!"] Ay, that is the question.

MR. LAWLESS: Give him rope enough!

MR. ROEBUCK: An hon. Member near me exclaims, "Give him rope enough!" I ask you, Sir, and I ask the House, if any phrase of mine has justified such an expression? I have marked the Gentleman, although I don't know who he is, or what place he represents. But I say that is an offensive expression, and that it is improperly used to hon. Members of this House.

MR. LAWLESS: You don't know the proverb.

MR. ROEBUCK: The hon. Gentleman is adding to the offence. He says I don't know the proverb. But as I know that insolence is no answer, I know that ignorance is no argument—and that vulgar abuse is not to put me down in this House.

MR. P. BUTLER: I rise to order. I think that the language used by the hon. and learned Gentleman the Member for

Sheffield is such that I am sure even he himself, in his calmer moments, will confess, that no hon. Gentleman representing an Irish constituency can sit still and listen to.

Mr. SPEAKER: The hon. Member should not interrupt the hon. and learned Member for Sheffield. I think that the hon. and learned Member was not out of order. I could not hear the precise words addressed to the hon. and learned Member for Sheffield by the hon. Member who interrupted him, and therefore I could not tell to what extent that hon. Member was out of order. But I must state that I do not think it adds to the dignity of our proceedings, that hon. Members should be subject to these constant interruptions.

Captain BERKELEY: Sir, having sat close to the hon. Gentleman who interrupted the hon. and learned Member for Sheffield, I feel bound to say those interruptions were so contrary to the rules of Parliament that guide hon. Gentlemen, that I do not wonder at the violence with which the hon. and learned Member resented them.

Mr. SPEAKER repeated, that he had not heard the words addressed to the hon. and learned Member, or he would certainly have interfered sooner; but he hoped hon. Members would see the propriety of respecting the dignity of the House by abstaining from the use of offensive expressions.

Mr. J. O'CONNELL said, that he too had been sitting near the hon. and learned Member for Sheffield, and could bear his testimony to what had been going on; and he must say that if hon. Members had interrupted the hon. and learned Gentleman, it had not been without provocation, which had met with no censure, either from the House or from the hon. and gallant Member for Gloucester.

Mr. LAWLESS said, it was because he had heard so many interruptions offered to the hon. and learned Member for Sheffield, that he said it would be much better to give him rope enough and let him alone. His object, in fact, was to stop those who were interrupting the hon. and learned Member.

Mr. ROEBUCK said, that the hon. Member first said, "Give him rope enough," and afterwards, "You don't know the proverb." The proverb was, "Give him rope enough and let him hang himself." Could anybody wonder that he should feel, as the Speaker had said he did, that the dignity of the House would not be advanced by such a species of opposition? He was sure he discussed the question of the hon. and learned Member for the University of Dublin in a spirit which need not have raised the ire of any human being against him; and yet, notwithstanding that, the hon. Member for Meath had spoken of him, as he was always in the habit of doing, in a most offensive way. But he (Mr. Roebuck) did not care for that; for, so long as he felt he was discussing a great question fairly and honestly, he would not be drawn aside from it by the impatience of Irish Members.

Lord J. RUSSELL put it to the House whether it was desirable that this discussion should be continued. No man could find fault with the course pursued by the hon. and learned Gentleman the Member for the University of Dublin, who had had a petition intrusted to his hands on the subject of the Bill before the House; nor could any one find fault with the course pursued by those who immediately followed him, and who, fairly enough, found fault with the Bill, because in their opinion it was improper; neither could it be said that anything that had been said by his hon. and learned Friend the Attorney General had given occasion to any heated discussion. As in the course of the debate, however, hon. Members had rather lost sight of the merits of the question before them, and as, if the discussion were continued, there would probably be replies and counter-replies, which, as the Speaker had truly said, must tend to diminish the dignity of the House, he hoped that hon. Gentlemen, however indignant they might feel, would abstain from giving expression to their feelings, and that the House would now be allowed to come to a division on the Bill.

Mr. D. BROWNE did not wish to detain the House with any angry remarks of his. He only desired to say that he had used too strong an expression perhaps; but he feared that so long as the hon. and learned Member for Sheffield pursued the practice which he had adopted of attacking the representatives of the country to which he (Mr. D. Browne) had the honour to belong, and of aspersing the character of Irishmen, such incidental remarks would occasionally be made. He must say, too, that before the hon. and learned Member for Sheffield obtained a seat in that House this Session, such angry discussions did not take place. He thought it advisable that the hon. and learned Member should maintain that equanimity within the House which he seemed disposed to maintain without the House. He did not see why it should be necessary when any matter respecting Ireland was introduced into that House, that the hon. and learned Member for Sheffield should asperse the character of Irishmen, and adopt a language towards them which must be repudiated by every Irishman who had the feelings of a man. With respect to the measure before the House, he could not give it his support. He had refrained from attaching his name to the petition which was forwarded to the Lord Lieutenant of Ireland in favour of mitigating the sentence of Mr. Smith O'Brien and the others; but nevertheless he must distinguish between doing so and voting for the present measure.

Mr. REYNOLDS, with reference to the phrase "a pull at the Exchequer," which the hon. and learned Member for Sheffield had attributed to him, acknowledged that he had used it in the debate on the Rate-in-Aid Bill, when speaking of the Shannon job, but not on the occasion to which the hon. and learned Member for Sheffield had referred.

Mr. LAWLESS put it to the Speaker, as a fair and calm judge of their proceedings, whether the hon. Member for Sheffield had not deliberately insulted three Irish Members? He had charged the hon. Member for Longford with falsehood—he had said the hon. Member for Mayo was intoxicated—and he had stated—

Mr. SPEAKER said, that the hon. Member must see at once that it was impossible for him to permit him to repeat words which the hon. and learned Member for Sheffield had already retracted.

Mr. LAWLESS explained, that when the hon. and learned Member for Sheffield made use of that language to the hon. Member for Mayo, he (Mr. Lawless) said to the latter, "give him rope enough." The hon. and learned Member for Sheffield had been called a Sheffield blade; but, if he were so, he must be one of those which was sometimes seen in the shop windows, which no one could touch without cutting his fingers, and which was of no use to the proprietor. He was sure the people of Sheffield would soon be tired of the hon. and learned Member.

Question put.—The House divided:—Ayes 175; Noes 19: Majority 156.

List of the Ayes.

Abdy, T. N.
Acland, Sir T. D.
Adderley, C. B.
Anson, hon. Col.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bateson, T.
Bellew, R. M.
Berkeley, hon. Capt.
Bernal, R.
Bernard, Visct.
Birch, Sir T. B.
Blackall, S. W.
Bowles, Adm.
Boyle, hon. Col.
Brand, T.
Bremridge, R.
Brisco, M.
Brooke, Sir A. B.
Brotherton, J.
Browne, H.
Bruce, C. L. C.
Bunbury, W. M.
Bunbury, E. H.
Campbell, hon. W. F.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Christy, S.
Clements, hon. C. S.
Clive, H. B.
Cobbold, J. C.
Cockburn, A. J. E.
Coles, H. B.
Colvile, C. R.
Conolly, T.
Cotton, hon. W. H. S.
Craig, W. G.
Crowder, R. B.
Dalrymple, Capt.
Davie, Sir H. R. F.
Davies, D. A. S.
Deedes, W.
Drummond, H.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Edwards, H.
Fergus, J.
Ferguson, Sir R. A.
Filmer, Sir E.
FitzPatrick, rt. hn. J. W.
Fordyce, A. D.
Freestun, Col.
Frewen, C. H.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greenall, G.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Guernsey, Lord
Hallyburton, Lord J. F.
Hamilton, J. H.
Hamilton, Lord C.
Hardcastle, J. A.
Hastie, A.
Hastie, A.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Henley, J. W.
Herbert, rt. hon. S.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hollond, R.
Hope, Sir J.
Hornby, J.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Hughes, W. B.
Jermyn, Earl
Jervis, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Keppel, hon. G. T.
Ker, R.
Kershaw, J.
Kildare, Marq. of
Labouchere, rt. hon. H.
Langston, J. H.
Lewis, G. C.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Macnaghten, Sir E.
M'Gregor, J.
Maitland, T.
Marshall, W.
Martin, J.
Martin, C. W.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Milner, W. M. E.
Morris, D.
Mostyn, hon. E. M. L.
Mullings, J. R.
Mundy, W.
Ogle, S. C. H.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Pakington, Sir J.
Palmer, R.
Palmerston, Visct.
Parker, J.
Pilkington, J.
Plowden, W. H. C.
Price, Sir R.
Ricardo, O.
Rice, E. R.
Rich, H.
Roebuck, J. A.
Romilly, Sir J.
Russell, Lord J.
Rutherfurd, A.
Salwey, Col.
Sandars, G.
Scholefield, W.
Seaham, Visct.
Seymour, Lord
Shafto, R. D.

Smith, J. A.
Smith, M. T.
Smollett, A.
Somerset, Capt.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stanley, hon. E. H.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Talbot, C. R. M.
Talfourd, Serj.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, J.
Townshend, Capt.
Turner, G. J.
Verner, Sir W.
Vesey, hon. T.
Villiers, hon. C.
Vivian, J. H.
Walpole, S. H.
Watkins, Col. L.
West, F. R.
Willyams, H.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Young, Sir J.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Browne, R. D.
Butler, P. S.
Devereux, J. T.
Fagan, W.
Fox, R. M.
Grattan, H.
Greene, J.
Keogh, W.
Milnes, R. M.
Monsell, W.
Moore, G. H.
O'Brien, J.
O'Connell, J.
O'Flaherty, A.
Reynolds, J.
Scully, F.
Somers, J. P.
Sturt, H. G.
Williams, J.

TELLERS.

Anstey, T. C.
Lawless, C. J.

Bill read 2°, and committed for To-morrow.

BANKRUPT LAW CONSOLIDATION BILL.

The Bankrupt Law Consolidation Bill was read a Second Time.

SIR H. WILLOUGHBY observed, that this Bill seemed to be framed in an odd way. It contained very few clauses, but the schedule was enormous—as big as a dictionary. There was one provision in the Bill which gave the commissioners perfect legislative power to make rules for their own courts; and any person who did not obey those rules, might be imprisoned for life.

The ATTORNEY GENERAL said, it was true the Bill was drawn in a rather novel form, and that was the reason he proposed that it should be referred to a Select Committee. The hon. and learned Gentleman then moved that the Bill be referred to a Select Committee, consisting of the following Members:—The Attorney General, Mr. Walpole, the Judge Advocate, Mr. Masterman, Mr. Mitchell, Mr. William Peel, Mr. Bouverie, Mr. Miles, Mr. John Williams, Mr. Mullings, Mr. Brown, Mr. Alderman Thompson, Mr. Edmund Denison, Mr. Forster, and Mr. Heathcoat.

Agreed to.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, June 19, 1849.

MINUTES.] PUBLIC BILLS.—1ª Loan Societies; County Cess (Ireland); Transfer of Land (Ireland).
2ª Grand Jury Cess (Ireland).
Reported.—Highways (Annual Returns).

PETITIONS PRESENTED. From Banff, against the Registering Births, &c. (Scotland), and Marriage (Scotland), Bills.—From Baston and Dartmouth, for the Suppression of Seduction and Prostitution.—By the Duke of Richmond, from Forfar, for the Enactment of new Measures for the Licensing of Public Houses (Scotland); and from Kendal, Dent, and other Places, against the Granting of any New Licenses to Beer Shops; also from Smeeton, Kebworth, and Leicester, for a protective Duty against foreign Competition; also from Huntingdon and Birmingham, against the Parliamentary Oaths Bill.—By the Earl of Warwick, from Couven and Solihull, for Extending the Jurisdiction of County Courts; also from Atwick and Wiston, against the Parliamentary Oaths Bill.—From Ifield, for the Prevention of the Sale of Tithes.

CANADA REBELLION LOSSES BILL.

LORD BROUGHAM: I rise to bring before your Lordships a subject of very great interest and fully equal importance—a subject which has caused extraordinary excitement and anxiety in the public mind of this country, and still greater anxiety and still greater excitement in the public mind of one of our colonies—I mean the late affairs of the Province of Canada—of the now united Provinces of Upper and Lower Canada—both in respect of its legislative and in regard to its executive Government. I say, my Lords, emphatically, it is a subject of extraordinary interest, not only at home, but in the Colonies; and I advisedly make that remark as applied to our Colonies at large, and confine it not to the particular colony more immediately in question, for reasons which I shall very speedily have occasion to lay before your Lordships. Without any further preface to the observations which I am about to make, and the explanations which I am about to give, except to say, without prejudice to the very full consideration which the subject has received in another place, that I still deem that it is particularly suited for the discussion of this judicial assembly—without further preface, I say, I shall proceed shortly to remind your Lordships' House of the history of the colony more immediately concerned, or rather I should say—for the distinction is material—of the Province of Upper and Lower Canada. The colony of Canada, it is known to your Lordships, was ceded at the Peace of Paris in 1762, under a treaty, negotiated most successfully by the father of my noble Friend opposite, then Secretary for Foreign Affairs—

The MARQUESS of LANSDOWNE interrupted the noble Lord to intimate that his father, Lord Shelburne, was not the negotiator, and did not hold the office of Secretary of State for Foreign Affairs till after the close of the American war in 1782.

LORD BROUGHAM: Well, at least he ratified the treaty, maintaining by the Peace of Versailles the provisions of the peace made after the brilliant success of Lord Chatham's war had wrested from the French the provinces of Canada. As I was saying, these provinces were ceded by the Peace of Paris, and have ever since remained in the possession, more or less nominal, more or less real, of the British Crown. In the province of Lower Canada the great majority of the inhabitants were French. These people, French to all intents and purposes, outnumbered by two or three times the amount of British subjects, British to all intents and purposes, in that province. But Upper Canada was almost exclusively peopled by Englishmen, or men of English descent. It was peopled mainly during and after the American war, by loyal immigrants, British subjects, who, impatient of the change which had taken place in their former provinces, now become the United States—impatient of the new yoke imposed upon the necks of all those who had resisted the independence of the new-born Republic—abhorring from principle a republican yoke, and panting after that which had become absolutely impossible, the restoration of the Crown's dominion over their native country of the United States—repaired with their fortunes and their families to Canada, where they had the privilege—to their tastes and to their feelings of loyalty, to their monarchical principles — the invaluable privilege, of avoiding the dominion of a republic, and enjoying the protection of the Crown. Now, of all royalists—of all men whose opinions are strongly tinctured with the desire for monarchical government—of all men with the warmest sense of the duty of allegiance—the American royalists have at every period proved themselves to be, if not the first, at least among the first and foremost. Accordingly, they did not change their minds with the new sky under which they began to live—they did not alter their opinions, they did not modify their principles, or reverse their feelings of attachment to the Crown of England, when they removed to Canada. On the contrary, they rather cherished more dearly and more warmly the feelings which had caused their emigration; and having lost the homes where they had been born, having, as it were, transferred their household gods to a foreign soil, they grasped the more religiously, more fondly to their bosoms those loyal principles which had made them exiles from the land of their birth. My Lords, as their origin has been, so likewise has been their progress—such as they were at first, such they continued to be, animated by the love of their mother country, and renowned for a scrupulous attachment to, and a zealous performance of, the duties which they owed to that Government, the fortunes of which, in good and evil report, they had followed. I put forward firmly, but modestly, their claim on the respect and sympathy of your Lordships, for these qualities which I have predicated of them. They had always been good and faithful subjects of the Crown; and in saying so I wish to make no invidious distinctions, no invidious comparisons between the English inhabitants of Upper Canada and their fellow citizens, the French inhabitants of Lower Canada. Still I cannot shut my eyes, nor can your Lordships, to the material distinction which, in this respect, exists between the two classes. The one were at all times, in good fortune and in bad fortune, attached English subjects. By blood, by language, by religion, by manners, by institutions, and by laws, they were Englishmen to their hearts' core—in their hearts Englishmen always, and have always proved themselves worthy of their lineage and their name. The others were, and no wonder that it was so, in their language, according to their laws, by their customs, from their descent, French, and French always; by accident only they were English; by descent French; by chance only English, but by their national feelings and national tastes — their origin, their blood, their manners, their language, their customs, their religion—French, French always. Nevertheless, these French subjects of ours have, generally speaking, behaved like peaceable subjects of the Crown of England, and showed no want of loyalty in their demeanor—a consummation much to be rejoiced in—a consummation probably, if not caused, yet prompted, if not occasioned, yet facilitated, by the fact that in that bond of union which subsists between a mother country and a colony, which I have elsewhere taken leave to call an "improper federal union"—

there is always involved the idea of a great power in might and in influence, both of treasure and of authority, and also of troops by sea and by land, possessed by the mother country—in this instance, as it was felt by the French Canadians, possessed by England, and wielded by the British Parliament, with the consent of the British people, and ready to stifle all attempts at revolt in all parts of our vast colonial dominions. I say it not invidiously, but historically, that this was one main cause why the more or less reluctant adherence of the French Canadians has gone along with the cheerful, loyal, and hearty allegiance of the English settlers, and one of the main causes which prevented for many a year many an outbreak in that multiform population. But, my Lords, the time was approaching when it was at least apprehended that efforts would be made to shake the political and national relation of the colony with the mother country. In 1837 and 1838, a very serious attempt was made—not arising from any particular occurrence, not excited by any act of real or supposed oppression—but originating from the different feelings among the diverse people—a rebellion, in fact, I can call it by no other name—a rebellion of a very grave nature broke out. It was discovered that the conspiracy had struck its roots deeply, and extended its branches in various directions, and to a considerable distance from the central authority of the Government. It was found that in one district, that of Montreal, in Lower Canada, there were organised secret societies, partly formed under French influence, partly, I regret to say, under the guidance of agitators—to use the technical expression of the day—from a nearer quarter of our extensive dominions. It was found that under their guidance and inspiration those secret societies numbered no less, in the town of Montreal and the neighbouring district, than 3,000 conspirators. I am not going to read papers, my Lords, I am not even about to refer to documents, to prove what I have just said; but if any one have the least doubt about the accuracy of the statements I am making, let him consult Sir John Colborne's (now Lord Seaton's) despatch to my noble Friend the Marquess of Normanby, who was then Secretary of State for the Colonies; that document will be found to bear me out completely. There were 3,000 conspirators in the town and district of Montreal—a place containing not more than 50,000 inhabitants altogether. Well, the disturbance broke out; it displayed itself at first in acts of riot—it occasioned the calling out of the military force, the civil being found inadequate to cope with it. The rebels were attacked; they fought; they had arms—aye, arms in very considerable abundance. They resisted; they met the troops. They met my gallant friend Sir Alan M'Nab, then merely Colonel M'Nab, since made a knight for the service he then performed, at the head of a battalion in the field; they were defeated, and as a reward for the great service he had rendered, my gallant friend received the honour of knighthood, one of the most economical acts in the distribution of honours ever performed by the Government, which had raised individuals to peerages almost without number, and had decorated them with orders almost without limit. Colonel M'Nab made head against the rebels, and they dispersed themselves; and the King's forces in the other provinces, acting against the insurgents, found a scene which has been so graphically described by Sir John Colborne. They found house after house deserted and destroyed—barn after barn burnt, by these incendiary rebels. They found the prisons themselves filled with loyal subjects of the Crown, who had been incarcerated by the violent and disloyal men. The very roads they marched along were strewed with relics of their pillage, which they attempted to carry off in their efforts to destroy the property of the loyal subjects. These loyal subjects of course fled for security and shelter to Montreal. And I will give your Lordships one example—only one, for I do not wish to go into the subject; but I shall give one example of the manner in which the loyal subjects who might fall into the hands of the rebels were treated. It is a hateful matter, hateful for me to name, but more hateful to consider. A gallant officer who was seized in fight by these rebels, Lieutenant Weir by name, was carried to the rear, and, when overwhelmed by numbers, that their cowardice might be equalled by their cruelty, they plucked his epaulets from his shoulders, inflicted upon him wound after wound, and piteously mangled his body before the King's troops could come up to save him. Dr. Wolfred Nelson commanded the body of rebels, and he is a claimant under the Indemnification for Losses Bill for 25,000*l.*; but, most kindly, most generously, most considerately, he has recently reduced his claim more than one-half, and enters in for only 9,000*l.* I don't wish to be drawn aside at this moment to speak of the Bill for the Compensation of the Rebellion Losses, but I have been obliged in some manner to allude to it by the occurrence of the name of Dr. Wolfred Nelson. Such was the rebellion that was put down by the gallant officers of the King's troops and their companions in arms. I am bound to call your Lordships' attention to the frame of mind in which my late Friend Lord Durham found the inhabitants of that colony, committed to his care after the occurrence of an outbreak which compelled the Government to suspend the constitution of Lower Canada; for I may here observe that the rebellion was, I may say, confined to Lower Canada almost entirely. My noble Friend was sent out to administer the government of both provinces, armed with dictatorial powers and the suspension of the constitution, so great was the exigency of the case. When the Bill for suspending the constitution of Canada was proposed in this House, my noble Friend near me (Lord Ellenborough), as well as myself, urged that it was too extensive, though I thought some measure was absolutely required. It was carried, and I will give your Lordships Lord Durham's own account of the condition in which he found the colony. I will do so in his own words—first, in order that injustice may not be done to the rebels; and, secondly, because I could not find words more graphic than those used by his Lordship in his justly celebrated report—a report which does great credit to the talents of those engaged in drawing it up, for I believe that more than one person aided in its compilation, and that not only Lord Durham, but Mr. C. Buller, and Mr. Wakefield, were engaged in drawing it up. In the report his Lordship says—

> "I expected to find a contest between a Government and a people—I found two nations warring in the bosom of a single State—I found a struggle, not of principles, but of races—and I perceived thst it would be idle to attempt any amelioration of laws or institutions until we could first succeed in terminating the deadly animosity that now separates the inhabitants of Lower Canada into the hostile divisions of French and English. It would be vain for me to expect that any description I can give will impress on your Majesty such a view of the animosity of these races as my personal experience in Lower Canada has forced on me. Our happy immunity from any feeling of national hostility renders it difficult for us to comprehend the intensity of the hatred which the difference of language, of laws, and of manners, creates between those who inhabit the same village, and are citizens of the same State. It is scarcely possible to conceive descendants of any of the great European nations more unlike each other in character and temperament, more totally separated from each other by language, laws, and modes of life, or placed in circumstances more calculated to produce mutual misunderstanding, jealousy, and hatred."

My Lords, you will perceive from this that I rather understated than overrated this animosity in my opening observations. His Lordship, however, further says that—

> "In Montreal and Quebec there are English schools and French schools; the children in these are accustomed to fight nation against nation, and the quarrels that arise among boys in the streets usually exhibit a division into English on one side, and French on the other."

Lord Durham then went on to observe, that their very amusements did not bring the two races into contact—that the publications of the press belonging to the two races were implacably hostile to each other—and that they did not even meet on grounds neutral to all—the grounds of charity. "The two parties," he said—

> "do not combine for any public object; they cannot harmonise even in associations of charity. The only public occasion on which they ever meet is in the jury box; and they meet there only to the utter obstruction of justice. Even in a case in which no question of party or of race is concerned, the animosity of the races, nevertheless, appears to present an insurmountable barrier to the impartial administration of justice."

Again, Lord Durham adds—

> "Nor do I exaggerate the inevitable constancy any more than the intensity of this animosity. Never again will the present generation of French Canadians yield a loyal submission to a British Government; never again will the English population tolerate the authority of a House of Assembly in which the French shall possess or even approximate to a majority."

Lord Durham then treats in his report on the possibility of the French Canadians incorporating themselves with the population and Government of the United States; and this is his language—

> "None even of these considerations weigh against their present all-absorbing hatred of the English; and I am persuaded that they would purchase vengeance, and a momentary triumph, by the aid of any enemies, or submission to any yoke. This provisional, but complete cessation of their ancient antipathy to the Americans, is now admitted even by those who most strongly denied it during the last spring, and who then asserted that an American war would as completely unite the whole population against the common enemy as it did in 1813. My subsequent experience leaves no doubt in my mind that the views which were contained in my despatch of the 9th of August are perfectly correct; and that an invading American army might rely on the co-operation of almost the entire French population of Lower Canada."

He proceeds next to describe the feelings of the English inhabitants of Canada; and I call the attention of your Lordships to the language which he uses:—

> "They do not hesitate to say that they will not tolerate much longer the being made the sport of parties at home; and that if the mother country forgets what is due to the loyal and enterprising men of her own race, they must protect themselves. In the significant language of one of their own ablest advocates, they assert, that 'Lower Canada must be English, at the expense, if necessary, of not being British.'"

He then adds—and I beg that you will give your deliberate attention to his words, and that you will apply them to the conduct of the Executive Government in Canada at this moment—he then adds, after alluding to the probability of the settlers of English descent uniting themselves with the American States, this statement of his opinion—

> "I do not believe that such a feeling has yet sapped their strong allegiance to the British empire; but their allegiance is founded on their deep-rooted attachment to British as distinguished from French institutions. And if they find that that authority which they have maintained against its recent assailants is to be exerted in such a manner as to subject them again to what they call a French dominion, I feel perfectly confident that they would attempt to avert the result by courting, on any terms, an union with an Anglo-Saxon people."

I am now, my Lords, approaching a delicate subject, because I cannot shut my eyes to what has lately happened, and which I may call a passing cloud, which has overspread for a moment the loyalty of the English Canadians—I mean the recent outbreak in Montreal. And I know what will be said when I touch the subject—because it is always said upon such occasions — "You are encouraging rebels; you are stimulating the factious by your speeches and divisions in this House. You are strengthening and giving courage to those who have misbehaved themselves." That is a risk which statesmen and legislators should be at all times content to run. They should run that risk, as well as bear the slanders which they also have to endure and must face, in the discharge of their public duties; and if a statesman would discharge his duty honestly and faithfully, he must be prepared to say, as Mr. Burke once said, when some such charge was made against him, "The fire-bell that breaks our slumbers in the night saves us from being burned in our beds." I therefore shall do my duty; and I hope that in so doing I shall not be charged — justly charged, I know I cannot be — with having unnecessarily or wantonly raised a question which in my conscience I believe it is the bounden duty of Parliament to entertain and fairly grapple with, nor of having any fellow-feeling whatever even with the most provoked of the persons who were concerned in the riots that have lately occurred amongst our Canadian fellow-subjects. I speak to your Lordships generally about what passed during the rebellion in Canada. There was much property destroyed by the rebels; some was destroyed also by the militia and by the King's troops in crushing the rebellion. For a considerable time nothing was done with regard to these losses, or in order to give that compensation, which all justice required, to those excellent men whose property had so severely suffered in consequence of their loyalty, and in the discharge of their duty as faithful subjects. But afterwards a Bill passed, by which it was intended that, as some damage had occurred to the loyal in Upper as well as in Lower Canada, some compensation should be given in Upper Canada. To this Act I shall call your Lordships' attention presently. But this has been the subject of the most false statements—for I cannot call them mistakes—imaginable. It is perfectly clear, from the language of the Government, and the manner in which the Act was passed, that it was never intended to grant compensation in the manner that has been alleged, because, if any rebel received compensation, it was not for injuries suffered, it was for goods taken, for horses taken, for houses occupied in the public service, or for provisions taken to supply the troops, for which the owner received the commander's note of hand in the first instance, the commanding officer not having money enough to pay at the time for the accommodation required. It was a matter of contract, and not of compensation, that rebels received money under the Act. But some time afterwards an important event happened. At the period to which I allude, when the first Bill had passed, the British party, whom for distinction I shall call also the loyal party, was in power; and I call them the loyal party, not invidiously, but historically, for reasons which will presently appear as I go on. The British party were in the councils of the Governor, and, moreover, all measures were passed by a Canadian Parliament, at the time British in substance and in loyalty; and those measures included the one to which

I have just shortly referred, the Upper Canada Bill. This measure was succeeded by others; but in the mean time they were followed by another event. Whether judiciously or not, it is not for me to say—I speak with great distrust of my own judgment upon such a subject, or on any matter of party tactics—but unhappily, as the result proved, the loyal British Ministers of the Crown in Canada adopted a course of policy which I have always had great dislike to, with all my love of conciliation and hatred of violence. They adopted what is called a "conciliatory" course. Now, a conciliatory course to work reconcilement must be accompanied by conciliatory acts, but which should not be accompanied by any lack of good faith towards friends; for if in trying to concilate an adversary, you lose a friend, what is the consequence? If you can both gain an adversary and keep a friend, it is all well. But if to gain an adversary you lose a friend, what is the result? You turn your friend into a foe, and you make your former foe despise you. I never saw the trick tried that it did not fail, and bring into contempt the trier. Let it not be imagined that I am against a conciliatory course of policy—call it, if you please, a coalition policy—where each party yields a little in order to gain more—where each, without playing false to his friends, gains over his enemies. In that case a coalition is creditable and honourable to all parties, and may be highly beneficial to the State. But it is a false, a bastard sort of conciliation that has been pursued in Canada—one which I have ventured to stigmatise as bringing those who try it into contempt. It is, according to the text I am preaching from, that which tends to the making our friends enemies, and our enemies despise us. And so in the event it happened. The friends of the Government were discouraged; our enemies were well pleased to grasp at the terms offered. They would rather not perform the conditions of the contract, but they accepted the benefits proposed by it. A Ministry was chosen from the party which I will not call the disloyal party, but which was not the loyal party. The Prime Minister of the new Government was Mons. Auguste Alexis Hippolyte Lafontaine. In various countries various officers of Government have been considered the Prime Minister. In Canada the Attorney General is the Prime Minister. And so it happened that M. Lafontaine (for whom and M. Mondelet I presented a petition in this House, in which they complained of having been driven out of the country) was chosen Prime Minister. He took no active part in the rebellion. He fled before it broke out. To use a Scotch expression, "he wasn't out in the '38;" but he was obliged to go away to save himself, and he was most undoubtedly implicated in the rebellion, for I have Sir John Colborne's account of it, which I shall not trouble your Lordships to hear read, in which he is charged with being one of the movers. It is quite a mistake, however, to suppose, as some have stated, that any reward was offered for his apprehension. For two or three other Ministers rewards were offered, but not for M. Lafontaine; he was, however, most forward and ostentatious in his disaffection. Before he was in office, he wrote to Monsieur Girouard a letter, plainly showing what loyal feelings inspired him, dated the 18th of February, 1839 (after the rebellion), in which he said—

> "There is nothing new except that they are speaking of coercion. Viger and Papineau will give you 20,000 napoleons (about 18,000*l.*) to arm the blue bonnets of the north. [That was a cant phrase for the disaffected Canadian population.] Let us stir them, otherwise the subject will never awaken from his lethargic sleep."

This is the exciting language used by one, now a Minister of the Crown—used after the rebellion had been suppressed, and before he could himself venture to go back to Canada. Now, when I find that letter in which a Prime Minister shows he has been using most seditious language, and endeavouring to keep the seeds of disaffection alive, and to fan the half-extinguished embers of rebellion into flame again, I think I have enough to justify me, if not in calling the party to which he belongs disloyal, at least in refusing to call them very loyal. I don't call the Ministry disloyal—they may be perfectly loyal in their own conceit, but, after what has passed, I have no right to call them loyal: but I do call the other party loyal; and, but for their recent conduct, which was excited by circumstances of great provocation, there is no ground for casting the slightest imputation upon their loyalty. I now come to the year 1848, and the beginning of the present year. But, first, I must pause to account for the circumstance of M. Lafontaine and his coadjutors becoming Ministers of the Crown. A notion sprung up at one time, which was very much encouraged by Lord Durham and his Council, and which goes by the name of "responsible government." If I were to say that I clearly understand what is meant by the term, I should be arrogating to myself a degree of perspicacity to which I have no right; I should, moreover, be invidiously placing my intellect in contact with that of my noble Friend at the head of the Government. The principle of responsible government is this—that whosoever governs a colony (and it is not confined to Canada), is, if I understand it at all—but my noble Friend Lord John Russell not being able, as he says, to understand it, I may be excused if I mistake—however, I believe it to be, that whosoever governs a colony, he shall be bound to choose as his Ministers whomsoever the legislature of the colony is disposed to give its confidence to. And further, whatever be his opinions of their conduct, so long as the confidence continues, he cannot remove them. Now, if it be supposed that that is a copy of the constitution of the mother country, there cannot be a greater mistake. The Ministers in this country are the organs of the Crown. They are responsible to Parliament, and not merely responsible, but they hold their offices at the good will and pleasure of Parliament. But the principle is one of give and take. The Crown has the choice of selection or dismissal, and the Parliament of refusal; and therefore both Crown and Parliament have a somewhat similar, though in cases of irreconcileable differences not unequal, influence. And here Mr. Bentham made a great mistake when he wholly neglected the operation on both parties of the fear of differences producing a collision, and described all balances and checks as only bringing Government to a stand-still; for he did not consider that the Crown will give up a little not to bring things to extremity with the Parliament, and the Parliament will give up something not to bring matters to extremity with the Crown. But in the colony we are told to regard as the English constitution one which gives the whole power to one party, Parliament, and leaving nothing to the Crown. This is called responsible government. Well, then, our Ministers gave them responsible government, that is to say, gave them the power of naming the Ministers, who, though appointed by the Governor, are voted by the Assembly, and are kept as long as the Assembly please to keep them, and to make them the instruments in their hands of executing their designs. Such is the construction put upon responsible government in the colonies; and Lord Elgin, I see, has put this construction upon it; indeed, but for such a construction, nobody could ever have dreamt of appointing Mr. Lafontaine. He was first appointed in the time of Sir Charles Bagot, who was, I believe, an able governor, and he displayed great judgment and great moderation, and gave, upon the whole, great satisfaction in the colony; he was, however, in very bad health during the greater part of his government, which thus added to the weight and influence of his Ministers. He appointed Mr. Lafontaine, because responsible government had become the order of the day; but there can be no doubt it must have been a painful duty to him to make such an appointment. Then came Lord Metcalfe, a most excellent governor, as he had shown himself both in India and in Jamaica, where he first distinguished himself, as well as in Canada; and I must say when I look back upon the whole career of his government in those troubled times, I am filled with admiration of his statesmanlike capacity, of his profound judgment, of his calmness and deliberation in the most difficult and serious emergencies. And when I add to that, that he was labouring under the pain—I will say the agonies, the tortures—of a frightful disease—when I state that notwithstanding these agonies, and the almost insuperable difficulties by which he was surrounded, his mind shone out to the very last with the same brilliancy wherewith it had illuminated his earlier career, I think I have not exaggerated in the picture I have feebly attempted to pourtray. Soon after Lord Metcalfe assumed the reins of power, he dismissed the government which he found in office; and I can well believe that he was most willing and anxious to part with Mr. Lafontaine. But there came afterwards another change, and the doctrine of responsible government was applied, in the utmost rigour of its absurd interpretation, by the new Governor, Lord Elgin; he restored Mr. Lafontaine and his friends to office. This notion of responsible government, as applied to the colonies, almost passes my powers of comprehension. It is utterly inapplicable in the colonies, that is, as it is upheld in the mother country. It is no doubt to a certain limited extent applicable, but only to a limited extent. I would, for my part, interfere as little as possible with the powers and workings of the colonial assemblies, in respect to the making of roads, bridges, and canals, and as to all matters of a like nature; but in matters that touch in the slightest degree the honour of the Crown, or the interests of the Imperial Government, I deny that you can have responsible colonial government. According to that theory, it is said that whatever the majority of a colony may choose to do, their acts are always to bind the minority, without the power of appeal to the Crown. I, for one, say that if that is to be the rule, gross injustice will be done —frightful cruelty will be exercised—because the majority of the popular party, and the Government, which, according to this doctrine, must be the tool of the popular party, will be sure to trample upon the minority. Factious zeal, party animosity, personal revenge, will be sure to intrude. Therefore, wherever there is an unequal balance of parties, justice can only be done by protecting the minority; and the minority can only be protected by allowing the power of appeal to the Imperial Government. I can conceive a thousand differences between the state of the colonies and the mother country, with respect to the applicability of this theory of responsible government. Even with regard to the mother country, I believe that, were there but one branch of the British constitution, that branch upon which, because it represents the people, I am disposed to pronounce that eulogium in which I am sure all your Lordships would concur — the most frightful excesses might be committed under the form of popular government. Suppose you abolish the House of Peers—let the representatives of the people be chosen either on the reformed or the unreformed system, either by universal or by limited suffrage—let the House of Peers no longer be joined in legislative power with the Commons, and the most gross injustice will be constantly practised by a tyrant majority over a trodden down minority. But the people of the colonies, as well as the people of this country, are all of them safe, because they have an appeal to your Lordships' House. Above all, the colonial people are safe, as long as the Crown protects them from a tyrant majority. Now, by dint of intriguing and exacerbating popular cries, the present Ministry in Canada has attained to power. The same thing might happen here. Let any one raise a popular cry—the cry of "No Popery," "the Reform Bill," "Repeal of the Corn Law," or "Protection," or whatever it might be—I care not what it is — let them raise such a clamour as gave Mr. Pitt his power over the Coalition Ministry in 1784, and the consequence will be—just what the consequence was in 1784, when Mr. Pitt attempted to crush Mr. Fox with regard to the Westminster election—though he found that could not be done — but, in such cases, the majority will always trample, if they can, upon the minority — no justice can be hoped for, because there is no appeal to the Crown or to the House of Lords. Therefore it is that I take leave to say, the principle of responsible government, which would be safe here, would not be safe when applied to the colonies, because they have not there the elements which alone give us safety here. Now, having stated this, and before I come to consider the Bill in question, I shall only refer, in support of my opinion on this subject, to one of the ablest state papers which I ever recollect to have proceeded from a statesman. It is a despatch dated the 14th October, 1839, sent by Lord John Russell to the Right Hon. Poulett Thompson. I must say I have read that despatch with unfeigned pleasure, as well as with a very hearty admiration. It gives me the truest satisfaction to see this document, proceeding from an old and esteemed friend of my own, with whom, and with whose family, I have long been in the most intimate relations. It is a despatch which does honour to him—it is a despatch which is worthy of him, who by his writings has so ably illustrated the principles of the British constitution—a despatch worthy of him who, by his legislation, has reinvigorated that constitution—a despatch worthy of him whose ancestors by their martyrdom founded that constitution. I do not praise this document one jot too highly, as your Lordships will see if you will read it, or if you will do me the favour to attend while I read a few sentences. It may almost be said, indeed, that I have given that despatch by anticipation, for I have quoted some of his very expressions in announcing my opinions with regard to responsible government. He is proceeding to show what the consequences would be, if responsible government were adopted. He says—

"It does not appear, indeed, that any very definite meaning is generally agreed upon by those who call themselves the advocates of this principle; but its very vagueness is a source of delusion, and if at all encouraged would prove the cause of embarrassment and danger. The constitution of England, after long struggles and alternate success, has settled into a form of government in which the prerogative of the Crown is undisputed, but is never exercised without advice. Hence the exercise only is questioned; and, however the use of the authority may be condemned, the authority itself remains untouched. This is the practical solution of a great problem, the result of a contest which from 1640 to 1690 shook the monarchy, and disturbed the peace of the country. . . . I will put for illustration some of the cases which have occurred in that very province where the petition for a responsible executive first arose—I mean Lower Canada. During the time when a large majority of the Assembly of Lower Canada followed M. Papineau as their leader, it was obviously the aim of that gentleman to discourage all who did their duty to the Crown within the province, and to deter all who should resort to Canada with British habits and feelings from without. I need not say that it would have been impossible for any Minister to support in the Parliament of the United Kingdom the measures which a Ministry headed by M. Papineau would have imposed upon the Governor of Lower Canada. British officers punished for doing their duty; British emigrants defrauded of their property; British merchants discouraged in their lawful pursuits—would have loudly appealed to Parliament against the Canadian Ministry, and would have demanded protection."

He gives here examples; but he, perspicacious as he is, and imaginative to conceive cases that might arise, could not anticipate this other case which has arisen —where British loyalists are taxed to pay French rebels for losses which they—the rebels—sustained in a rebellion that was crushed by those loyalists. Lord John Russell never conceived such a case as this, but he does conceive the lesser case of a British officer being punished for the performance of his duty. He goes on—

"In receiving the Queen's commands, therefore, to protest against any declaration at variance with the honour of the Crown, and the unity of the empire, I am at the same time instructed to announce Her Majesty's gracious intention to look to the affectionate attachment of Her people in North America as the best security for permanent dominion. It is necessary for this purpose that no official misconduct should be screened by Her Majesty's representative in the provinces; and that no private interests should be allowed to compete with the general good. The Governor must only oppose the wishes of the Assembly where the honour of the Crown or the interests of the empire are deeply concerned; and the Assembly must be ready to modify some of its measures for the sake of harmony, and from a reverent attachment to the authority of Great Britain."

Where the honour of the Crown or the interests of the empire are deeply concerned! When the greatest of ancient orators taunted the Athenians with running about the market-place and the streets, asking for something new or strange—"As if," says he, "there could be anything more new or strange than this, that a Macedonian dares aspire to govern Greeks;" so I say you call for proof, that there is here something affecting the interests of the empire or the honour of the Crown, as if there could be anything more nearly touching the honour of the Crown or the interests of the empire than this Bill for Canada, which makes the loyal inhabitants—the faithful subjects of the Crown, the loyal cementers of the unity of the empire — cementing it by their blood — to make them pay rebels for losses which they have sustained in a rebellion which they, the loyalists, have, by their lives and their fortunes, succeeded to quell. Well, it became necessary, in order to conciliate those who were now the majority in Parliament, and who were resolved to carry into effect the intentions of the not-loyal party that had obtained possession of the Government—on the principle of responsible government — it became necessary to take a certain step, to which I shall for a moment call your Lordships' attention. But you must not suppose that what I have said is at all inconsistent with what I am about to add, or that I am unfolding any new principles. It would be a very cumbrous and injurious course to take with regard to any question, if, when a system is once established —when a principle is once laid down and carried into practice, we should, on every given occasion when the powers springing from this system were called into exercise —if we were all at once to attack the system and the principle, instead of dealing with the conduct of those who act upon that system, and follow that principle. That would be wrong and injudicious altogether. At all events this is clear, that if the system is notoriously bad—if the principle, instead of being sound, is rotten — if the theory is groundless — if the consequences be pernicious—if, as Lord John Russell says, they are pregnant with danger as well as full of inconsistency—then I have a right to say that the utmost care should be taken not to carry the system one inch or one hair's breadth beyond the necessity which is actually imposed. The duty as well as the policy of pursuing this conduct, is clear beyond all dispute. Now, I shall show your Lordships that this has not been done in Canada. But first I will call your attention to the constitution of the Canadian legislature. That inquiry has become absolutely necessary, because it is asserted that this Bill has met with the entire approbation, not only of the French party, but of the great majority of the English party too, and that Upper Canada joins with Lower Canada in support of it. Now, I shall destroy this assumption by a plain and obvious consideration. The two Canadas were unhappily united, contrary to the opinion which a noble Friend near me (the Duke of Wellington), held at the time, and in favour of which opinion he entered upon your Lordships' journals almost the only protest he was ever known to make, and which is one of the ablest state papers, and one of the most convincing I ever read. The unhapppy union, which was first suggested by the late Lord Durham in an evil hour, was nevertheless carried into effect upon the following basis:—42 Members were given to Upper Canada; and by way, I suppose, of keeping the balance true, 42 were also given to Lower Canada. Upper Canada is altogether English—loyal and English—desirous that the connexion with the mother country should continue for ever, and doing all it can to perpetuate that connexion. Lower Canada is for the greater part French; there being 600,000 Frenchmen to 200,000 Englishmen. Of Lower Canada there are 33 French and nine English constituencies—42 in all; the great majority, therefore, are French. Upper Canada is almost all English; I believe there is one French constituency, but no more. Now, observe the consequences of this union, and observe how the English are in consequence given up to the French. All the French 33 Members of Lower Canada, or almost all of them, vote constantly together; but the nine English Members do not all vote together. The *habitans* are a very worthy and excellent set of French subjects, but they are exceedingly ignorant and ill-informed; a great majority of them can neither read nor write, and they are much under the influence of their priests. Some of the nine English Members join with the French. But the theory and the speculation was, that the forty-two Members of Lower Canada would be balanced by the forty-two Members of Upper Canada, on the very foolish supposition that forty-two Members, English, Scotch, and Irish, would always vote together as much as the French did. But they did no such thing; they differed exceedingly among themselves, and some of them immediately joined the thirty-three French Members, thus making it perfectly clear that the majority in the Assembly was French, and not English. Now your Lordships are aware that beside a Legislative Assembly, there is also a Legislative Council established in Canada, of which the Crown has the unrestricted nomination. This Legislative Council was at first composed of twenty Members, though the Crown may elect any number it pleases; and twenty were accordingly appointed by Mr. Poulett Thompson. Sir Charles Bagot, while he was Governor General, appointed five, and Lord Metcalfe, in the course of his three years' administration, added six. But how many do your Lordships think have been added by the present Governor —with what views have they been added, and for what uses? Twelve Members of the Council have been added, not in three years, but in ten months. Now, it will be said by the noble Earl (Earl Grey) opposite, whom I observe taking notes, and who evidently thinks he has got a complete answer to my statement before he hears it, which, I dare say, he might do as well before he hears it as he will be able to do after, for I believe my statement is unanswerable—he will say, " Oh, that has nothing to do with the Canada Losses Bill, for their appointment was contemplated as far back as August, and steps were taken to have them named in August. That is true, no doubt; but how many were afterwards added, and how soon after were they added? I know one was appointed in January, for Lord Elgin has added seventeen altogether; but I am referring to the number he has added during the last ten months. One was added in January; but as spring approached with its etherial mildness, tending to seed-time and a growing crop, a crop of peers came up as well as of wheat, and accordingly eleven more were added; they were sown broadcast, and came up not with the autumn but with the spring. But, then, we are told they were not appointed all at once, but by degrees, as they were wanted. The Government tried a smaller number at first; they made an attempt to see how their numbers would be if only three were appointed; they said, " Let us try three," but they soon found three would not do, they were still in a minority. Six—no, still they were in a minority; till at last they were forced to add eleven, which with the one appointed in January made twelve, and then they found themselves in a majority of five, having previously been in a minority of seven. To obtain a majority they sowed Peers broadcast. [A Noble PEER: That was dibbling, rather.] My noble Friend, who is an agriculturist and a protectionist, says that they were not sown broadcast—they were dibbled; and another noble Friend near me, for in fact I am so surrounded with agriculturists that I can hardly plough my way through the rough soil—says they were drilled. So they were—they were dibbled and drilled; but yet they did not produce such a crop as was hoped—they did not produce a good crop, though I dare say that those who dibbled and drilled them thought that they bore a very good crop. Now, in what proportions were they taken from the two divisions of the colony? There were eight taken from Lower and four from Upper Canada—eight from the French and not-loyal part of the country, and four from the English and loyal part of the country. So they contrived to turn their minority of seven into a majority of five. Now, when this step was taken, I cannot help suspecting—I may be wrong, God forbid that I should be uncharitable!—but I suspect this was done, and it is not only I that suspect it, but the suspicion is very general abroad, that a general power was asked to make peers by the Governor, or rather by his not-loyal and not-English Ministry, and that the Government at home gave those Ministers in Canada a general authority to make them. They surely did not send over twelve names. Were these blank peerages sent over to M. Lafontaine, who wrote to his friend M. Girouard that he had 20,000 napoleons ready to be sent over to raise the country against the Government, and to abolish feudal tenures? Was it to this M. Papineau—to this M. Lafontaine—who said, let all feudal tenures be abolished—that blank peerages were sent over, not having feudal powers certainly, for they were not peers, but still something like it, for they were elected for life? Were blank peerages sent over to him? I dare say not; I hardly think it possible; I know it is generally suspected in the colonies, but I do not think, after all, that so outrageous a thing could have been done. But this was very probably done—the Colonial Minister sent over a long list, and allowed the Ministers of the Crown to choose, which really came very much to the same thing. However, we shall be told to-night whether the current report be true or not. Well, then, the Legislative Council being packed by the appointment of these twelve peers, and the House of Representatives being packed by the elections, the Canadian Ministers proceeded with their project. Here I must remind your Lordships—and it is another argument against responsible government—how it is that men get into possession of the Government of Canada, or any other colony, in a way which would be perfectly impossible in England, and which, therefore, renders responsible government safe here, though unsafe there. There are ten Ministers: each of them may be supposed to be possessed of some little influence in his respective sphere. Suppose that each one of them can get two, or say three, persons elected—returned for their different districts. Suppose that three are returned by each of the ten Ministers, that alone, joined with some dozen more which they might always reckon upon, would constitute a practical majority, would give them the entire command of the Legislature, and, according to the doctrine of responsible government, would give them the command of the government. Then it may be said, why did not the Government refuse permission to M. Lafontaine to have the nomination of these twelve peers? My answer is—responsible government. The Government were bound hand and foot by that principle; M. Lafontaine asked for a creation of new peers, the same as was done by some parties in this country in 1831, and in that way M. Lafontaine obtained the command of the Assembly. He gets the Governor to send home—because the Governor, according to this doctrine of responsible government, is a mere tool or puppet in the hands of the colonial Ministers—he gets the Governor to send home and obtain blank tickets for peerages, and he uses them at his will. Having thus prepared everything for their movement, they bring in their Bill; and I venture to say that such a Bill was never before produced before any assembly. I affirm that it was brought in for a purpose which was never before dreamt of being carried into execution by any regularly acting body. In it there is dropped the use of the word "loyal," which Lord Metcalfe had used throughout his correspondence and papers, but which word was omitted also in the Bill for Upper Canada, I believe. Its preamble states—

> "Whereas it is fit that compensation should be

given for the losses that may have arisen from the total or partial, unjust, unnecessary, or wanton destruction of the dwellings, buildings, property, and effects of the said inhabitants, and from the seizure, taking, or carrying away of their property and effects, should be paid and satisfied: Be it therefore enacted, that it shall be lawful for the Governor to appoint five persons to be commissioners under this Act, and from time to time to remove them, or any of them, and to appoint another or others in the place of any so removed, or dying, or resigning office. And be it enacted, that the amount of the debentures to be issued under this Act, and the amount of the said compensation to be allowed to the said commissioners and clerk, shall not exceed the sum of 100,000*l*. currency."

The Bill thus gives the force of a final judgment to the award of the commissioners. Then it is said that there is nothing in this Bill which mentions the giving compensation to rebels, but only to loyal subjects. That I deny. It is a Bill of compensation for losses sustained by rebels. Allow me now to refer your Lordships to the despatch of Lord Elgin, which is also referred to by the noble Earl opposite, in his answer. In it Lord Elgin says—

> "I shall not fail by the first mail to furnish you with full information respecting its character and objects, the circumstances which led to its introduction, and the grounds on which I resolved, after much reflection, to sanction it."

This is after he had given his assent to the Bill. The noble Earl opposite seems to have taken up the idea that he is to take his views of the character and objects of an Act from the correspondence of the Governor; for he says, in his reply, "Though I have not received your account of the character and objects of the Bill"—

Earl GREY: I had received the Act.

Lord BROUGHAM: But you had not received the promised correspondence.

Earl GREY: I formed my opinion from the Act itself.

Lord BROUGHAM: The noble Earl surely does not hear what I say. I say that he had received the Act, but he had not received the despatch which was promised:—

> "I herewith inclose for your Lordship's perusal a copy of the Act in question, and I shall not fail, by the first mail, to furnish you with full information respecting its character and objects."

Now, I beg leave to say, that though it is no shame to Lord Elgin, who is no lawyer, not to know matters of law as well as others who had the fortune of being bred to the law, yet everybody, lawyer or layman, should know that the objects and character of an Act of Parliament are to be taken not from explanations given by anybody else, but from the enactments contained in the statute itself. I have, therefore, to resort, not to the despatch, which has never arrived, but to the Act of Parliament itself, for the purpose of finding out its object and character; I am now accordingly about to state what I understand to be the effect of the Act, and in this view I am borne out by what the Journals of the Canadian Legislature prove. I say that the Act was intended originally to compensate others than the loyal—that it was intended to draw no such wholesome line between the loyal and the disloyal as is now contended for. The Act was originally drawn without any exceptions; that is to say, the resolutions on which it was founded were introduced without any exceptions; but a Mr. Bolton, as I am informed, made a Motion which led to the introduction of an exception. The terms of the exception were these:—

> "Provided that none of the persons who have been convicted of high treason, alleged to have been committed in that part of this province formerly the province of Lower Canada, since the 1st day of November, 1837, or who, having been charged with high treason, or other offences of a treasonable nature, and having been committed to the custody of the sheriff in the gaol of Montreal, submitted themselves to the will and pleasure of Her Majesty, and were thereupon transported to Her Majesty's islands of Bermuda, shall be entitled to any indemnity for losses sustained during or after the said rebellion, or in consequence thereof."

That exception was not in the original frame of the Act, or in the resolutions which formed the groundwork of the Act. But this exception is not enough. It only extends to persons convicted of high treason, or persons charged with high treason and committed to the custody of the sheriff, and who, submitting to the pleasure of Her Majesty, have been transported to Bermuda. But then what becomes of the persons who, not convicted of high treason, have been transported to Bermuda, without having been in the custody of the sheriff? That is one case. I may be told that this Act is all a blunder, and that it is intended to have it amended hereafter. Very possibly; but that is the very reason why my Motion becomes necessary. The act has been hastily done, like all acts of violence; it has been ill-considered, like many other measures of the Colonial Government; and it has been rashly carried into effect, like all deeds of a tyrant majority—but all that is no reason for our not noticing the matter here. I will take another case. Suppose a person not convicted of treason, and not sent to Bermuda, but who had been in the custody of the sheriff for treason, and who had submitted to Her Majesty, and been let out. That person would, also, not come within the exceptions of this Bill. He would be entitled to compensation for his rebellion. If any noble Lord opposite be a better lawyer than my noble and learned Friend near me (Lord Lyndhurst), who agrees in every tittle of what I now say, and who will state so to your Lordships, let him stand up and explain his reasons when I have done. Take a third case—that of a person not convicted of treason—not banished to Bermuda, and not submitting to Her Majesty, but who has been in the custody of the sheriff. Such a person will also escape being included in these exceptions, and will be rewarded for rebellion. All the three conditions must be united—submission to the Crown, banishment to Bermuda, and being in custody of the sheriff, before the exception can apply; and, therefore, I am justified in saying that this Act does not except a large class of traitors, who, I am told, but erroneously told, are proposed to be excepted from the indemnity. But I speak with perfect confidence on this point, and on the intentions of the not-loyal majority, from what followed Mr. Bolton's insufficient Motion. A Mr. Wilson thought that the exception did not go far enough, and moved an additional exception, including all persons who had been aiding or abetting in the rebellion. But what happened? The Government set its face against that Amendment, and it was accordingly rejected by a majority of sixteen. The only inference I can draw is, that this Amendment was voluntarily and wilfully rejected—that the Government did not choose to adopt it; and I consequently draw this conclusion, that the Government of Canada, with its eyes open, advisedly intended that a line should not be drawn between the loyal and the disloyal, and artfully resolved that only the inadequate exceptions before mentioned should be made. The moment you state an exception to a rule, it removes all doubt as to the principle on which it is founded. It leaves all designedly intact, which the exception does not cover—but still more if you refuse a proposal to extend the exception. That is the necessary and inevitable consequence. Do I blame Lord Elgin himself for all this? Most undoubtedly not. I throw no blame on him whatever, for he was supposed to be acting under responsible government, and to have no choice whatever in the matter. He was in the hands of M. Lafontaine, and M. Lafontaine was the creature of the majority, and they domineered over him, and compelled him to adopt the course of which they approved; or the majority was his creature, and both together were Lord Elgin's masters. I come now to what has been stated here over and over again for Lord Elgin, and in which I am at issue with the noble Earl as to a point of fact. He states that this Act was obtained by the approbation not only of the majority of the whole Parliament, of which there can be no doubt, but by a majority of the English representatives of Upper Canada, as well as of the French of Lower Canada. This view arises from the grossest of fallacies—from the supposition that the point at issue between the parties was the passing of the Bill. Nobody objected to compensation, provided it was to be given only to the loyal. The loyal were for compensation to the loyal, and I am only speaking for them. There may have been traitors, or traitors in disguise, who might object to compensation to any parties; but the loyal had no objection to the passing of the Bill, provided the rebels did not get compensation. But the real point at issue was Mr. Wilson's Amendment; and I am prepared to show that this Amendment had been supported by a very large majority of the representatives of the Upper Province, and of the English portion of the members for Lower Canada. The numbers were these:—On the Bill at large, 22 French and 15 English members were for it, making 37 in all, out of Lower Canada, while there were none of the French, and 18 of the English against it. In Upper Canada there were 11 for, and 14 against, the Bill—that is, against the Bill generally. On Mr. Wilson's Amendment the numbers were—from Upper Canada, 22 English, and from Lower Canada, five English and one Frenchman, making 27 English and one French representative for the Amendment; while the numbers against it were 13 English members from Upper Canada, and 29 French and two English members from Lower Canada. That is to say, there were 15 English against, and 27 English for Mr. Wilson's Amendment; but I deduct from the 15 English members the

Ministers who voted against it, because they were Ministers of the Lafontaine party, and because, at all events, the votes of Ministers are no proof of the state of public opinion on any given measure. That leaves 27 English members against giving compensation to rebels, and 10 English members for the rebels, being a majority of nearly three to one of the English members against giving compensation to rebels, instead of there being a majority of English members in favour of the Bill, as has been most erroneously stated. Then I find Lord Elgin pluming himself very much on the addresses that have been sent in to him. He has had, no doubt, a number of addresses—he has had several thousand signatures to these addresses. I have counted between 14,000 and 15,000 of these signatures, and to one there were no less than 3,500 names; but I find, on looking over these addresses, that they are chiefly on the subject of the late riots. They are congratulations that his Excellency had escaped violence, and they condole with him on the destruction of property, and the insults to which he had been personally exposed, professing the loyalty of the addressers notwithstanding the riots. But hardly any of them has a word in commendation of the Ministers—one or two of them, and no more. Hardly any one of them has a word approving of the Bill, or at all touching on the subject—one or two of them, and no more. But how were these addresses prepared? Whence did they proceed? From public meetings? No such thing. Hardly two or three of them were adopted at public meetings. I admit that one of them did proceed from a public meeting, but certainly not above one or two more out of the entire number. They were got up in corners; they were what we use to call in this country "hole-and-corner addresses," which may always be got up very easily, as the signatures depend on the activity of the agents, and upon the inducements held out to those who are asked to sign them. But let me ask if that has any sort of bearing on the question of public opinion—on the question whether the voice of the people be in favour of the Government and the Ministry in this matter or not? It has no such bearing whatever. A great number of addresses and petitions have poured in on the Governor General against the Bill, and almost all of these, or a great proportion of them, have proceeded from public meetings, convened by the authorities of the country, presided over by the magistrates, the mayors, and the sheriffs, and called on requisitions containing some of them not less than 500 signatures. These meetings were publicly holden—they were convened in the face of day; and at such meetings crowds of addresses were brought forward and adopted against the Bill. But it has been said that tranquillity has been restored. I trust it has. I wish the accounts may be true. I am not in possession of any official despatches on the subject either way; but I will read to your Lordships a letter which comes from a person in a public employment, and is dated the 6th of June, which is, I believe, about the latest intelligence that anybody can have from that quarter—this being, I believe, somewhere about the 19th of June. He says—

> "I take the liberty of writing to inform your Lordships of the State of Canada, having left Montreal last night. I left it in the greatest possible excitement, for although the British population are most loyal, they would rather join the United States than consent to pay the losses which the rebels sustained in 1837 and 1838, by their own misconduct. Should Her Majesty consent to the Bill which Lord Elgin sanctioned, Canada is lost to the British Crown."

That is the opinion of this writer, who is as loyal a man as any on the bench opposite.

The MARQUESS of LANSDOWNE: He may be loyal, but is not right in his opinions.

LORD BROUGHAM: He states what his opinion is; but on this point I admit that I do not altogether agree with him. He then goes on to say—

> "The British population are numerically inferior to the French in Lower Canada, but they are infinitely superior to them in energy, intelligence, and wealth."

The remainder of the letter is not material; but I ask, is it very much to be wondered at, that such excitement should prevail? I am sure no one deplores more than I do the excesses that have been committed. No one is more disposed even to punish the authors of these disgraceful outrages; but though I will not say a word to mitigate their punishment, or to extenuate their offences, yet I cannot but feel for those who did not take part in the riots, forming the great bulk of our fellow-subjects, the loyal Englishmen of Canada, who by their own treasure, and by their exertions, and by their sacrifices, and by their blood, extinguished the flames of that rebellion. I cannot but feel—placing myself in their hard situation—writhing under the infliction of this ill-starred measure—I cannot but feel how much and how bitterly they must feel visited by this punishment. It is a common remark, which I will repeat without any over-refinement, that, though individuals feel more for their own interests, yet that great bodies of men—a people or nation at large—are more apt to be irritated, and vexed, and tormented by what outrages their feelings, than by what damnifies their interests; and when the feelings that are outraged are the loyal affections of subjects deserted by their natural protectors, from whom they have never withholden allegiance—and not only that, but when they find that they are actually trampled upon—when they find their rulers in open league with their enemies—with traitors and rebels, whose treasonable attempts they had put down, the flames of whose insurrection they had extinguished with their blood—when they find themselves, moreover, called upon to make good the losses of those traitors in that rebellion, to crush which they had themselves suffered loss as well of life and limb as of treasure — when men find themselves so treated, though it may be no excuse for riot, no extenuation of the offence in which a few only have joined—it is a most cruel hardship to be inflicted on the whole community, who have not broken out into any acts of violence, and it is a treatment certain to outrage every feeling of their minds. I consider, therefore, that it is our bounden duty to protect these persons from this severe, this intolerable infliction; and if I am told that there is nothing in this Bill for compensating rebels for their losses, which was not found also in the Bill for Upper Canada, I take issue on the fact. I maintain that Upper Canada was, comparatively speaking, scarcely in rebellion at all. There were losses sustained there, but they were sustained accidentally. There were rebels in Upper Canada, but they were comparatively few and powerless; and therefore in the Bill for that province, it was not necessary to draw the line between the rebels and the loyal; but nevertheless it did substantially draw the line. I am told that it has been stated by a Mr. Hincks, the Inspector General of Lower Canada, that several rebels had been compensated under the Upper Canada Bill of 1845, and he mentioned the names of a Mr. Cooke and four others. Mr. Hincks referred to the great loyalty of Mr. Ingersoll and the two other commissioners by whom the awards had been made; but as soon as this statement appeared, Mr. Ingersoll wrote a letter denying the statement *in toto*. The language was, perhaps, more strong than courteous, but he appeared to have been exceedingly annoyed at the time. He says—

> "In reply to the above statement, I have only to say, that it is not founded on fact, and that Mr. Hincks's correspondent has not stated to him the truth, which he must readily admit the moment he becomes acquainted with the real facts of the case. In the first place, no such claim as that alleged had been made by the would-be General Duncombe, and if it had, it would not have been received. Neither was there any sum awarded to a Mr. John Tooke."

Mr. Hincks afterwards stated that this name should have been Cooke. The letter goes on to allude to the next case, that of a person named Haggerman, and it says that this man was a respectable farmer of Harwich, who had sent in a claim for goods taken from him for the use of the troops; but surely this was not compensation for rebellion losses, but payment for the goods given. Sir Alan M'Nab having no money, gave a note of hand for the goods that he had taken, and that note was handed in to the commissioners and paid. But you pay an enemy in an enemy's country for what you purchase from him; and how Mr. Hincks, or anybody else, could make such a random statement as calling such payment compensation, surpasses my comprehension, unless his statement might proceed from what the late Sir Francis Burdett wittily called on one occasion "that inveterate habit of official assertion, which people who have been employed in the Government are liable to acquire." I have now, my Lords, got to a close. I am perfectly certain that there cannot be a more fatal error than carrying to the extreme to which it has been carried the doctrine of responsible government. If the principle be good for Canada, it must be equally good for Jamaica, for Trinidad, for the Cape, and, in fact, wherever there is a colonial government. I ask, if we had unhappily adopted that doctrine of responsible government in our colonies twenty years ago, how would the question of slavery have been settled, when, as Mr. Canning remarked, you can never trust slaveowners to make laws for the treatment of slaves? Let us, therefore, come to the consideration of this question uninfluenced by the farce of responsible government, so well exposed to ridicule and reprobation in the despatch of Lord John Russell which I have read. I do not argue this question on these grounds alone; but I say that in exact proportion as that form of government is ill adapted to a colony, it is well adapted to a parent state. It is ill adapted where there is not the check of a House of Lords—where the colonial assembly is small in point of numbers, and may be therefore packed, as I have shown that the Canadian Parliament is packed. According as this is the case, in precisely the same degree ought you at home—by the Secretary of State's license, and by the power of refusing that license, which, by the law of the land—the law of the colonies as well as of the mother country—you are entitled to exercise, and which you are bound in duty to exercise in certain cases — to see that the feelings of your fellow-subjects are not outraged by the adoption of a particular policy. I do not call upon you absolutely to refuse assent to this Bill. I do not ask you to interfere with the Royal prerogative, by addressing the Crown to withhold that assent; but I ask you to take care that the Bill should be made clear, and plain, and intelligible—that if there are other blunders in it, they shall be corrected—that if exceptions are not made in it which ought to be made, these exceptions shall now be added—and that in the meanwhile the Bill shall be suspended, not refused, in order that due time may be afforded for making the amendments. You are on the eve of a great struggle in North America; and if you suppose that that struggle between the races there, or between you and the colony at large, is viewed with indifference by your neighbours on the other side of the Atlantic—if for a moment you rock yourself to sleep with the idea that America, having enough to do at home, will not look across the St. Lawrence, or that, because she has already a boundless extent of territory she will not covet more —oh, let me awake you from that dream —let me remind you that if America is, for the first time, an unambitious republic —that if, for the first time in the history of nations, you have in America an instance of a moderate commonwealth — of a popular government without the control of a Crown, and without the poise of an aristocracy—without the control of the Crown to keep her at peace, as here, or the control of the aristocracy to perpetuate peace, as at Venice of old—if America furnishes an example of a popular government, without any such checks, any such control, being divested of all ambition, it is the most novel event in the history of human nature and of human progress. But above all, if you should fancy that America, having great territories, and extending them to the south and to the west in all directions, has more lands than she knows how to cultivate, more provinces than she knows how to govern, more produce than she knows how to consume and to barter, will not, therefore, look to the north, and will not seek to increase that store at your cost—then I say that you expect an infinitely greater wonder still, a consummation more contrary to the whole history of human passions and human crimes—that the love of dominion ceases when the bounds of that dominion have been extended—that the lust of conquest is assuaged by each gratification, instead of being increased by indulgence. Different, far different, will be the event. America counts every day an age until she hears that this Bill has received the Royal assent—until she hears that you have plunged yourselves recklessly into the gulf which is now yawning. There is a positive, direct, and prevailing interest which no American, even in the Southern States, despises; for Upper Canada is a great refuge for runaway negroes; and, if it is seized, they will come into possession of their negroes again. In Upper Canada there are 15,000 families of runaway negroes. The Southern States have a general love of American rule and of American fame, and they participate with the North in another field which I am about shortly to open. You have given up protection: you have adopted the doctrines of free trade; you have extended them from time to time, to my satisfaction and comfort, from one article to another; but in one direction and in one matter most unquestionably against my opinion. The Americans do not sympathise with you in that matter. They sympathise with the Canadian rebels. They do not sympathise with you upon the subject of protection. They are delighted—as I know by letters that have come to my knowledge, addressed to the greatest houses in the City — they are charmed with your policy. They have expressed the utmost joy and exultation at the errors you have committed by abandoning your navigation system; and they add, "Do not suppose we mean to join you. No; we will draw tighter the restraints upon you, in order to increase our own profit." We have abandoned all protection for our manufactures. Not so the Americans. They have a strong desire for protection; and they wish to extend their protective system in order to foster the produce of their home industry. But what prevents them from giving complete and general protection to their own manufactures? What stops them from protecting their native produce? Upper Canada—a coast of fourteen or fifteen hundred miles long. It is utterly impossible for them to guard that extended frontier. No American corps of police, no American militia, much less a corps of custom-house officers or excise officers, can prevent bales of foreign manufactured goods from entering the States across that vast frontier. Protection, therefore, is impossible in America, whilst Upper Canada is ours. A friend of mine, a member of a most distinguished family connected with this House, was lately in that country. He saw a number of hatchets offered for sale in the Illinois country; and an Englishman asked the man who had them for sale what they cost. "Oh," said the American, "I cannot make them under a dollar and a quarter, and I guess, stranger, neither can you." The answer of the Englishman was—"But we can;" and he added, "in six months I will get them cheaper from Birmingham." The man went to Birmingham, and in a few months he returned with an excellent cargo, and offered to sell them in the States at half a dollar each. Whereupon, to protect "native industry," down came an army of custom-house officers, wanting to seize the hatchets. But they could not find one; the whole cargo of 5,000 had been sold for half a dollar, instead of one dollar twenty-five cents, which was the price at which only their own manufacturers could afford to sell. Now, with such a difference as this in one dollar twenty-five cents, it must be utterly impossible for them to protect their own fabrics. All that you want to continue reaping this advantage is a long frontier. Canada is that frontier; and the Americans know it full well. Tariffs—they can have none. Tariffs are a dream—an utter impossibility, so long as England possesses Upper Canada. I, therefore, conjure your Lordships to knit to you the affections of your fellow-subjects in that magnificent province. If it were to be by any unseemly proceedings, by any surrender of rights, by any unfitting sacrifice of power, or even of wealth, that you were to consolidate and retain their love and loyal affection, I should be the last person to oppose it. But I implore you to do this, because by so doing you will be able to bring their attachments closer to yourselves, and, at the same time, render the severance of the colony from the mother country impossible. I had always thought, and I have more than once expressed my thoughts in this House, that it was a very great error, at the peace of 1782, as Lord St. Vincent told Lord Shelburne at the time, to have kept the Canadas, instead of leaving them to the United States. Others thought so at the same time. But I shall not soon forget the answer which Lord Melbourne made to me upon this very subject. "There may be some truth in that," said my noble and lamented Friend, "and Lord St. Vincent may have had some good grounds for the advice he gave to his friend and patron Lord Shelburne; but show me an instance of a powerful State consenting to give up a great colony, and not thereby injuring her character, and tarnishing her renown." If it be given up voluntarily, well; if it is forced from you, it is not well; but, above all, I beg to remind your Lordships of what I have stated with regard to the loyal feelings and warm and hearty affection of your Canadian fellow-subjects to the Crown and to the mother country. I freely and fairly confess that the inclination of my opinion since 1838, when I leant to the sentiments and the counsels of Lord St. Vincent, has suffered a material change. I have since had more intercourse with these colonists, and, having had more acquaintance with them, I have entertained greater respect, and stronger feelings of sympathy, towards my Canadian fellow-subjects. It is impossible, my Lords, to know the strong and sincere feelings of loyalty which pervade masses of your fellow-subjects, and not be sensible how cruel it would be to take any steps which would throw them into the hands of the Americans. I have seen, in the last three weeks, men who have been born and bred in Canada, men who in Canada have served, and toiled, and bled; and these men, to whom Canada is the home of half a century—these men who have all their possessions, as well as their families, in Canada — these men, my Lords, have a horror of being given up to the great dominant Republic of the west—a horror proceeding to such an extent, that, were the catastrophe to be consummated, they would leave the colony as their forefathers left the mother country for their religion, ages ago, as their immediate ancestors left the United States more recently, from their loyalty. My Lords, you are not to hasten that catastrophe. I call upon you to save them from it. I implore you to save your Canadian fellow-subjects from being made a sacrifice to this whim of responsible government — responsible government carried to an absurd, ridiculous, and also to a needless extent. I, therefore, implore your Lordships to adopt these Resolutions, which, I am positively certain, will act like oil poured upon the troubled waters, and will restore peace and concord. I move your Lordships to resolve—

> "That, by an Act passed in the Parliament of Canada, intituled, 'An Act to provide for the Indemnification of Parties in Lower Canada whose property was destroyed during the Rebellion in the Years 1837 and 1838,' no Security is afforded against Compensation for Losses sustained in the Rebellion in Canada in 1837 and 1838 being given to persons engaged in the said Rebellion.
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> "That it is just and necessary, either by recommending a further and amending Bill to the Legislature of Canada, or by such other Means as may be effectual, to provide Security against any Compensation for Losses sustained in the said Rebellion being given to Persons engaged in, or having aided or abetted, the same."

Earl GREY: I have listened, my Lords, most attentively, to the very able and elaborate speech which the noble and learned Lord has just addressed to the House; but I confess that at the close of it I am as utterly unable as I was at the beginning to comprehend what is the great public object, and what is the great public interest, which the noble and learned Lord thinks will be answered by this House assenting to the resolutions he has moved. I have certainly heard from the noble and learned Lord a reproduction of all the particular arguments urged in Canada upon questions on which the province has been greatly agitated; I have heard remarks fall from him calculated to please one party and to annoy the other; I have heard from the noble and learned Lord, at great length, his opinions upon many abstract questions of colonial government; and I have heard, also, from him a variety of anecdotes, but little, as it appeared to me, connected with the subject before us; but, my Lords, though I have heard all this, I have not heard one word in explanation of that which, above all things, it was necessary the noble and learned Lord should have explained—namely, how the adoption of these resolutions would tend to promote the accomplishment of the all-important object of facilitating the harmonious and prosperous government of Canada by the authority of the British Crown. I have heard no explanations from the noble and learned Lord of how he considers the government of the province could advantageously be carried on after the wishes of the great majority of its representatives had been set at nought by a resolution of this House; I have heard no explanations issue from him how the interference of this House on this question could tend to facilitate that most difficult task—a task no less difficult than important to be accomplished—namely, to reconcile the enjoyment by this great colony of that practical self-government and practical management of their own affairs, to which they had a right on the one hand, with the maintenance of the just authority of the Crown and the mother country on the other. This, my Lords, is at all times a difficult, a most difficult, task. In a colony numbering a million and a half of inhabitants, and rapidly increasing in wealth, to reconcile self-government with the maintenance of the Crown's authority, is, I say, under no circumstances, an easy task; and I did expect, under such circumstances of excitement as now exist in Canada, when the noble and learned Lord calls upon us to interfere by agreeing to his resolutions, to have heard from him some explanations of how, and in what manner, he thought that object would be facilitated by our taking such a step. Of the two hours and three quarters during which the noble and learned Lord addressed the House, the first hour and three quarters were taken up by entirely prefatory matter. For that space of time the noble and learned Lord discussed the general principles of colonial government, and of what he called responsible government, and he gave us an historical review of Canada from the time of its conquest from France. It is not necessary, my Lords, nor do I think it expedient, to follow the noble and learned Lord through that lengthened discussion. The noble and learned Lord touched upon many points which, in my opinion, it is as inexpedient as it is unnecessary to discuss. I certainly have always been taught to believe that in matters of government, when the interests of great bodies of the people are concerned, there is nothing more injudicious than individually to attempt to lay down and define the rights and the powers of each different authority which takes part in the government. From these definitions, disputes and differences are too apt to arise; and I believe it is a sound rule of practical wisdom to avoid discussions of that kind as much as you can, and to deal only with practical questions. But, although I shall not follow the noble and learned Lord through the whole of his lengthened preface to the real purport of his speech, there are some points on which the noble and learned Lord appears to me to have fallen into errors—and into errors of so serious a character that it is my duty to notice them. In the first place, I take upon myself to pronounce the noble and learned Lord's historical review of the connexion between England and Canada to have been altogether erroneous. The noble and learned Lord began, at the outset of his speech, by telling us that from the day that Lower Canada had been conquered, it had remained French in heart, French in spirit, alienated from the British Crown, and only kept down by force. [Lord Brougham: No!] The noble and learned Lord says that was not what he stated. Certainly, I have not put it in his own words. I confess I am unable to repeat the noble and learned Lord's own words; but I appeal to every noble Lord who listened to his speech whether I have in any degree misrepresented its purport and spirit. The noble and learned Lord, following, as he said, the history of Canada from the date of its conquest, asserted that in Lower Canada, from that time to the present moment, it was the power of England, and not the affections of the Canadians, which had really preserved the connexion. I am sure that those who attended to the noble and learned Lord's speech must remember an allusion, which I, for one, did not think altogether decorous, to the different circumstances in which Canada might be considered. Among those considerations the noble and learned Lord represented the military power of England as having the principal influence. I say this is altogether an erroneous view of the subject. For many years, Lower Canada was greatly attached to the British Government. At a very early period after the conquest, the justice and the fairness with which Canada was governed, had produced their natural effects—the population were reconciled to British rule. They were happy, they were prosperous, they were contented. And let me remind your Lordships, that in the last contest with the United States the Lower Canada militia did not fall behind their brethren in the Upper Province in zeal and courage in defending their country, and maintaining the honour of the flag under which they fought. The militia of Lower Canada, as well as the militia of Upper Canada, distinguished itself during that short but bloody contest by no ordinary valour. It is perfectly true that some years afterwards discontent set in. It is perfectly true that misunderstandings, beginning at first from comparatively trifling causes, gradually became more and more serious, until at length the population, ignorant, and easily excited and deluded by designing men, were betrayed into the guilt of rebellion. I do not deny that in the years 1837 and 1838 it was unfortunately too true that disaffection was widely spread in certain parts of Lower Canada, still further is it from my intention to palliate the guilt of rebellion. Whatever causes of discontent then existed—and that such causes did exist, subsequent inquiry has clearly proved—would no doubt have been repressed much sooner, much more effectually, and without the costly price of much individual suffering, and much public calamity, if force and treason had not been resorted to as a means of obtaining redress. But though it is true there was disaffection at that period in Canada, does it follow that we are for ever to regard the population of Canada as aliens because they were then betrayed into the guilt of rebellion? The speech of the noble and learned Lord did indeed surprise me, as coming from a person of his long experience in political affairs. I wonder he did not remember the wisdom of Mr. Burke, who, in more than one of his writings returning to the same idea, said, speaking of our contest with the colonies which afterwards became the United States, "he did not know how to draw an indictment against a people." Again, writing one of his most eloquent papers upon the policy of the allies during the war with France, and in the midst of councils which at that period could not be of the most mild description, he even then in the midst of that excitement said to the allies what ought to be the rule of their conduct. In the first place, he (Mr. Burke) held it to be necessary that the mass and body of the people should never be treated as having been criminals and offenders. And this, he said, was one of the few political maxims which he acknowledged to be of invariable application. I believe that Mr. Burke was right. If a population which has once been betrayed into rebellion finds by the treatment of its rulers that its guilt is neither heartily and entirely forgiven nor buried in oblivion, when the struggle is over and the guilty leaders punished, what will be the inevitable and necessary result? The inevitable result is this: that they will repay distrust by feelings which will make that distrust not more than is deserved. They will meet your suspicions by hostility, and watch their opportunity. All this is implied, if we are to adopt the views of the noble and learned Lord—if we are to regard the French Canadians as disguised enemies, as rebels whose guilt is only partially forgiven—as those of whom the noble and learned Lord says, "I will not call them disloyal, but I will only say they are not the loyal." My Lords, these distinctions are dangerous in speaking of a whole people. This is language calculated to shake your authority to its very foundations. A totally opposite policy from that has been followed by all great sovereigns and the greatest statesman. When we are talking of Canada, ought not that very circumstance to remind us that it was added to the dominions of the British Crown in one of the most successful wars in which this country ever was engaged, and of which the success and glory were, in no slight degree, owing to the fact that the great Minister under whom it was conducted adopted the generous policy of burying in oblivion past rebellion and past treason, which I have ventured to recommend to your Lordships? Need I remind your Lordships that there was about the same interval from the suppression of the great rebellion in 1745, to the commencement of the war in which Canada was conquered, as that which has now elapsed since the suppression of the last Canadian rebellion? Eleven or twelve years after the time that the Highland army had been in the centre of England, and had shaken the throne of the House of Brunswick almost to its fall, when the war broke out, what was the conduct of the authorities—what said Lord Chatham? "I have no local attachments," he said—

> "It is indifferent to me whether a man was rocked in his cradle on this side or that side of the Tweed. I sought for merit wherever it was to be found. It is my boast that I was the first Minister who looked for it, and I found it in the mountains of the North. I called it forth, and drew it into your service, a hardy and intrepid race of men — men who, when left by your jealousy, became a prey to the artifices of your enemies, and had gone nigh to have overturned the State in the war before the last. These men, in the last war, were brought to combat on your side: they served with fidelity, as they fought with valour, and conquered for you in every part of the world: detested be the national reflections against them! they are unjust, groundless, illiberal, unmanly."

Such were the eloquent words of Lord Chatham. We all know that from the time of the suppression of the rebellion, until Lord Chatham, by a master-stroke of genius, raised the Scotch regiments, and employed them in that celebrated war from the period when resistance had been put down, they suffered from the severities which followed Culloden, and which crushed the spirit of the Highlanders, there was still discontent and disaffection lurking in the minds of the people. Yet that part of Great Britain thus became a source not of strength but of weakness to the empire. How was this changed? By inquiring what chief had been "out" in '45, as the noble and learned Lord would inquire what Canadians were "out" in 1838? Was it changed by hunting out evidence twelve years after the offence had been committed, and inquiring who were the loyal men, that they might be favoured and employed, and who were not the loyal, that they might be kept down, doubted, and mistrusted? Was that the manner in which Lord Chatham made the Highlanders once more loyal and brave, and enabled them to achieve victories by which the British arms were rendered glorious? No, my Lords, it was by following the very opposite policy. It was by saying, "The rebellion is over; the animosities, and the jealousies, and the rankling hatred which it has engendered, shall be forgotten; I will not inquire who were then for or against the House of Brunswick; I will call the Highlanders without distinction to serve the Crown, and take part in the contests in support of the honour of England." My Lords, that policy was successful. If we look to another great country—to France—we find exactly the same results. Did Henry IV., when he was restored to the throne of his ancestors, act upon the principle of the noble and learned Lord, and in an unforgiving spirit remember the offences and the causes of hostility which had passed away? Did he look in that spirit at those of his subjects who had stood in arms against him? No; the maxim of Henry IV. was, that he would make no distinction between those who fought for and those who had fought against him in the civil war. What happened? It was true that those who called themselves the loyal were as discontented as certain parties are now, that those who had been upon the right side, as it were, complained they had not a monopoly of power and honour when the civil war was at an end. But, most wisely, that great monarch listened to no such pretensions. He treated all his subjects, whether they had been for him or against him, with the same confidence, the same fairness, the same favour; and what was the result? Why that great king was idolized by his subjects, of every class and every rank. He refused to make himself the king of a party, insisting upon being king of the nation. The consequence was, that he died adored by the whole nation, and even to the latest day his name has been a tower of strength to the family of the Bourbons. But the whole spirit of the noble and learned Lord's speech is, that in the case now before us we should adopt precisely the opposite policy. I have been led somewhat more at length than I intended into the correction of this part of the noble and learned Lord's historical statement. I did not intend it, but the subject is one so interesting that it is difficult to commence with it without being led further than one wished. Connected with the noble and learned Lord's historical statement, I must notice a question which is of a personal nature, and which I cannot pass by. The noble and learned Lord referred to M. Lafontaine, and his whole speech was to show that that learned gentleman was engaged in the rebellion. I confess that on the principle I have just laid down, even if M. Lafontaine had been implicated in the rebellion, when the rebellion was over, and punishment had been carried as far as it ought to be, it would have been most unwise policy to have excluded a gentleman of his talents and influence from his fair chance of receiving distinction in the public service, or from all connexion with the public affairs of the province. But it is utterly untrue that M. Lafontaine was implicated in the rebellion, or that he has ever acknowledged such to be the case. It is not true that he fled from Canada, in consequence of a warrant being issued against him. So far from it, he went, after the rebellion had actually commenced, to Lord Gosford, and strongly urged him, as the best remedy in the then state of affairs, to call together the Provincial Parliament. Lord Gosford declined, and M. Lafontaine, believing no good could be done, left the country and came over here. But, unless I have been much misinformed, M. Lafontaine, though he was one of those who urged, in a constitutional and peaceable manner, certain reforms and changes which it may not have been thought prudent to grant, held from the first the opinion that real reform, instead of being advanced, would be defeated by having recourse to arms; and he deprecated in the strongest manner the ill-judged measures taken by those who joined the rebellion. I know a charge has been made against M. Lafontaine, and has been made on the strength of a private letter, which afterwards came to public knowledge. The words which he wrote in a private letter to his friend, M. Viger, were—"I would give 20,000 napoleons to arm the *bonnets bleus;*" and I am told the explanation of them is, that they were intended for a harmless joke at the expense of M. Papineau, who refused to spend any money in arming his troops. I am told that M. Papineau was well known as refusing invariably to subscribe for the support of any of the projects in which he was engaged, and that this disposition of his became a standing joke; and joke it must have been on the part of M. Lafontaine, for as to subscribing 20,000 napoleons, I don't believe he could have found the sum had he desired to fulfil his intention. But more than that, M. Lafontaine returned to Canada, challenged investigation, applied to Lord Durham to have his conduct investigated, and was unsuccessful. I have now nearly concluded what I have to say on the preface of the noble and learned Lord. There is only one other point to which he adverted, upon which I have but a single word to say, and that is with respect to responsible government. I am glad to say that there is little or no difference on this subject between the noble and learned Lord and myself, or between him and M. Lafontaine, of whom he has so great a dread; and I say so, because the noble and learned Lord quoted a most able despatch, which my noble Friend now at the head of the Government wrote in 1839, when he held the seals of the Colonial Department. I entirely concur in the opinions my noble Friend has expressed in that despatch; and I believe that as regards Canada, he takes a similar view of the case. I believe it is true, as he states in that despatch, that there is a great distinction between the government of a colony and the government of this country. The circumstances of a colony will define the government which can be established there. But while all this is quite true, there is one passage in the despatch to which I think I ought to call your Lordships' attention, and which the noble Lord omitted to read. Lord John Russell says—"Whilst I thus see insuperable objections to the adoption of the principles which I have stated, I see little or none to the practical views of colonial government recommended by Lord Durham, as I understand them." Lord Durham had pointed out, and most justly, as those of your Lordships will be aware who have taken the trouble to study the history of our North American colonies, that great evils had arisen between the Governor and the Representative Assembly. For several years misunderstandings existed between the Governor and the Assembly. The practice, to a very great degree, there prevailed of allowing persons, appointed to some of the most lucrative offices in the colonial government, to hold them for life, or during good behaviour, and, in fact, unless for very flagrant offences, they were not generally removed. Lord Durham, desiring to check some of the evils resulting from that practice, thought that some of these offices should be held by a different tenure, and though not legally, or necessarily, yet practically, that the higher offices of the executive government should be held by persons having the confidence of the representative part of the legislature. The despatch of my noble Friend concurs in that, and it was followed by another two days later, giving those who then held offices to understand that they were not to consider they had a vested right in any offices they might have hitherto enjoyed. The noble Lord opposite (Lord Stanley), while he held office, went upon the same principle, in a great degree, and affirmed the principle that the offices in our North American colonies were to be held by persons possessing the confidence of the representative part of the legislature. It is perfectly true that to lay out in terms what is the exact power of the Governor, the Assembly, the Secretary of State, and the Crown, is difficult; and if you attempt to define the power of each, you may lay out such a system in theory that in practice the Government could not go on. But my noble Friend Lord John Russell shows that the same thing is true in our own Government: that if Parliament or if the Crown should stretch their power to extremes, the whole machine of government must soon be brought to a stand. Therefore, if the noble and learned Lord lays down the rule that the Governor is to act so and so, and is not to have a will of his own, I say that he lays down a theory inconsistent with the working of responsible government. I entirely concur with the noble and learned Lord that the Governor exercises his will within certain well-known limits, and these limits are not very difficult to define. Indeed, I may remind your Lordships of what occured in this House but lately. It may be within your knowledge that during a recent discussion, which took place when the noble Lord opposite (Lord Stanley) presented a petition from Mr. Fairbanks, the noble and learned Lord did me the honour to refer to a despatch of mine to the Governor of Nova Scotia, and to state that he concurred in the principle which I had laid down, and that what he found fault with was the application which I made of the principle. I think, therefore, I may now pass this point by without further notice. I come now, my Lords, to consider that part of the noble Lord's speech in which he adverted to the Act passed by the Canadian Parliament, and stated the objections to it which he entertained. I will, in the first place, advert to what fell from the noble Lord at the close of his speech. At the end of his speech the noble and learned Lord explained by his resolution, which he called upon your Lordships to adopt, that his object was, not that the Crown should be advised by this House to disallow the Act passed by the Canadian legislature, but that the Crown should be advised to suspend its decision, that an opportunity may be given to the Canadian Parliament to reconsider that Act. Now, it appears to me, that the interference of this House on matters of colonial government, and more especially the interference of this House with a view to calling upon the Crown to control the legislative acts of our great North American colonies—I say, all such interference ought to be confined to extreme cases; and I also think, if we interfere at all, we should do it in a regular and constitutional way. The noble and learned Lord thinks the Crown ought to take a certain course; but I apprehend that the only constitutional mode in which you can make known your views to the Crown, is by an Address to Her Majesty. I think that to proceed by resolution upon a matter of this kind —a matter affecting colonial government —to move a resolution expressive of your views with regard to the course to be pursued by the Crown—to pass that resolution, and to enter it on the books of the House, whether or not you take any further steps to give that resolution effect—appears to me to be a course both irregular and inconvenient. If I rightly interpret the object of the noble and learned Lord, I think it should be sought by an Address to Her Majesty. But this is a case in which no grounds whatever exist for addressing the Crown. If it could be shown that by no other course than the one advised, the honour of the Crown could be kept from injury, and all encouragement to the heinous crime of rebellion withheld, then I admit that the case might be such that either in this or in the other House of Parliament an Address might be moved with the greatest propriety to Her Majesty. But I deny that this is any case of the kind. Let me call your Lordships' attention to what are the facts of the case. It is true that in the year 1837 and 1838, as I have already stated, disaffection did exist to a very lamentable extent in this province, and that measures necessary for the suppression of the rebellion having been taken, great destruction of private property, belonging to persons of both parties, ensued as a consequence. Very soon after the close of the insurrection, measures were taken by the Legislative Council of Lower Canada for giving compensation to a certain number of the sufferers, and compensation was accordingly given to a class of these sufferers to the extent of 21,000*l.* In Upper Canada the compensation given in the first instance was restricted to a few individuals, and afterwards it was carried further. The first Act passed by the Legislature of Upper Canada for extending more widely than before compensation to the sufferers from the rebellion, was disallowed by the Crown, because the preamble of that Act provided that indemnity should be given from the imperial treasury. But in 1840 an Act passed free from that objection, and allowing relief to be given to suffering parties; but it was undoubtedly understood that relief should be given only to those whose losses had been incurred in the support of the Crown. The compensation authorised by the Act of the 22nd October, 1840, was restricted to a class of sufferers; but in 1841 another Act was passed by the Legislature of Upper Canada, in which, deliberately and on purpose, the terms on which relief should be granted were extended. By the preamble of that Act it was provided that compensation should be given in all cases where the loss incurred had been occasioned by the violence of persons in the employment of Her Majesty, or of persons acting or presuming to act for Her Majesty in the suppression of the rebellion, and for all losses occasioned by Her Majesty's forces whether military or naval. Your Lordships then will see from the terms of the Act that its intention was exclusively confined to losses sustained in consequence of the operations of Her Majesty's troops. These are its express and determinate terms. Now let me remind you, that the noble and learned Lord was very severe on me for appearing to be ignorant that the objects and the character of an Act of Parliament are to be collected, not from the words of a governor, but from the words of the Act itself. I thank the noble and learned Lord —I cannot say it is new—but I thank him for teaching me that. I grant the object of an Act is to be gathered from the words of the statute, and I have read these words, and I call upon you, my Lords, to read the words of that statute, and to say whether or not that statute proposes to give compensation for losses to persons who had taken one side or the other in the rebellion. But, more than that, in point of fact no compensation was granted by this Act to persons who had taken part in the rebellion. The noble Lord referred to a speech which was delivered in the Canadian Assembly by Mr. Hincks, who is Inspector General of Accounts, an office there which is analogous to that of the Chancellor of the Exchequer in this country. Mr. Hincks, in the course of the debate upon this Bill, said—

> "It was only a few days ago he thought of ascertaining what parties were paid, and the papers, when produced, would show that some of the persons most active in the rebellion of Upper Canada, men who had been convicted of high treason, had filed claims which had been allowed by the loyal commissioners appointed by the hon. Members opposite. The commissioners were Mr. Harris, Mr. Ingersoll, and Mr. R. R. Hunter; and it would be shown that Elakiah Malcolm, the lieutenant-general of the rebel army, filed a claim, and that it was allowed, and he was paid; and that David Hagerman, of Norwich, the commissary of the rebel army, filed a claim, and got paid;

and Dr. Cooke, of Norwich, who was convicted of high treason, and sentenced to be hanged, he also sent in a claim, and got paid; but it was not only one, two, or three of that class of persons who were paid—whole dozens of them were paid."

But, says the noble and learned Lord, all that has been contradicted. Let me ask how? A gentleman writes a letter in this country, evidently one belonging to the opposition party in Canada, animadverting upon the policy of Lord Elgin, and that letter has been printed, being the sole source on which the noble and learned Lord can rely for his contradiction of the facts asserted by Mr. Hincks. Well, that gentleman in the first place denies that he ever said Mr. Duncombe had filed a claim; and in the second place, the case of Took is accounted for by the mistake of the Canadian reporter, who had written Took for Cook—Dr. Cook; and I think Dr. Cook, being a very well-known gentleman in Upper Canada, the commissioner, if he had taken any pains to ascertain the truth, must have known what person was meant. It is quite true, then, my Lords, that Dr. Cook did file a claim and was paid it. Mr. Hincks knows his handwriting well, and says Dr. Cook was tried for treason, found guilty, and sentenced to be hanged, and testifies that he had afterwards seen the receipt for the compensation in Upper Canada in his handwriting. But then they say that Mr. Hagerman, commissary-general of the rebel army, had made no claim. I am told that much fault has been found with Mr. Hincks for his assertion in this particular case. It is said that Mr. Hagerman was never tried. Well, some doubt exists about that; but after the Indemnity Act, when it was safe to do so, I am told that in an action of debt for supplies to the rebel army, Mr. Hagerman pleaded that he got the supplies in question, not in his private capacity, but as commissary-general of the rebel army. I need not tell you that the plea was disallowed; but I must add, notwithstanding such a plea, that Mr. Hagerman put in a claim for compensation and was paid. Oh, but it is said, we paid for property taken for the use of Her Majesty's troops, and acknowledged by the commanding officer by his note of hand at the time. Now this is no answer. I shall beg your attention, therefore, to part of the debates in the Assembly, especially to the reply made by Sir Alan M'Nab. The noble and learned Lord, who was very romantic in part of his speech, was very much more romantic in regard to that gentleman and his services during the rebellion. For, although Sir Alan M'Nab and the militia never once came into contact with the rebels in Upper Canada, the noble Lord gave so eloquent a description of his grand achievements, that if he had not heard of them otherwise than from the noble and learned Lord, he would have been led to suppose that gentleman to have fought battles such as Salamanca, Vittoria, and Waterloo. The following was Sir A. M'Nab's answer to Mr. Hincks in the Canadian Assembly:—

> "He could not understand why the hon. Gentleman should not bring forward the Motion until the Bill would be about to be read for the third time; but he supposed it was for the purpose of justifying their conduct. With regard to the payment of the individuals who had been mentioned, he (Sir A. M'Nab) knew that they were rebels (cries of 'hear, hear'), and he had heard it stated that they had been paid, and he never heard it stated without the greatest dissatisfaction being expressed by all who heard of it. The commission would show quite clearly what kind of persons it was intended to pay, and they would find that it was not intended to pay such persons. He (Sir A. M'Nab) supposed that the hon. Member was desirous to get the papers for the purpose of setting them up as a precedent for paying the rebels in Lower Canada."

It was really quite impossible to suppose for a moment that all these sums, paid to persons who were in arms at the time, could have been paid upon notes issued for their property, taken to supply the wants of the troops. Could any man believe that when the rebellion was raging—when Mr. Hagerman was acting as commissary-general of the rebel army, he could have ventured to present himself to Sir A. M'Nab, or any officer of militia, and asked to be paid by a bill for his property taken for the supply of the troops? Why, he would have been taken and brought to trial by court-martial, or, probably, summary justice would have been executed upon him; nor could it have been said to be very wrong at such a time. Very possibly, part of the damage for which they were paid consisted in property taken for the use of the troops. But let me ask you, my Lords, what difference there is between cattle taken for the use of the troops, and cattle destroyed by the troops, even if they belonged to rebels who had abandoned the care of them for the time? I must say, if any distinction exists between that appropriation and that destruction of property, it is one far too nice for me to appreciate the value of it—it seems to me the same thing. My Lords, I have now shown you that this Act was passed in the terms to which I have adverted in respect to Upper Canada. Now, that Act having been passed with respect to Upper Canada, a subsequent Act was passed very much to the same effect in 1845, by the Parliament of the United Provinces, with respect to Upper Canada, the compensation thus given being for losses of this general kind, sustained both by rebels and by loyal subjects; and at the same time an address to the Governor General was unanimously agreed to by the same Assembly, praying that an inquiry be instituted into the losses sustained in Lower Canada, with a view to compensation there also. When this Act of 1845 was passed, providing for the payment of the Upper Canadian losses from the general revenue of the province, by alienating certain taxes previously paid to the Consolidated Fund, the Act was objected to by some, who said that it was unjust to take this course with regard to Upper Canada unless the same principle were applied to Lower Canada, though their own opinion was that no further compensation should be given to either province. Accordingly that address was voted, and inquiry took place. As all those of your Lordships are aware who have consulted the papers produced, rebels were strictly excluded from the benefits of the statute; and you will find when these commissioners applied for instructions, they were directed to classify those who had engaged in the rebellion and those who had taken no part in it. Lord Cathcart, acting by the advice of the then Executive Council, when they applied to know what evidence they should accept as conclusive on that point, replied that they were to look to the proceedings of the courts of law as their guide. Under these circumstances, early in the present year, resolutions on which to found a Bill were submitted to the Parliament of the United Provinces, to provide for losses sustained in Lower Canada, precisely on the same principles on which compensation had been provided for Upper Canada. These resolutions created very great opposition and excitement. Various amendments were moved in the course of the discussion, but I think principally on the bringing up of the report upon these resolutions. Most of these resolutions were negatived; but one, an important one, was adopted. It was stated from the first by the authors of the measure in the House, that it was not their object to make compensation for losses sustained by rebels; but that the Bill was intended to provide for losses of a different description, such, namely, as on inquiry were found to have been occasioned by wanton destruction. An Amendment was introduced, excepting all persons convicted by courts-martial, and all who had submitted themselves to Her Majesty's pleasure, and who having been in the custody of the sheriff of Montreal, had been removed to Bermuda. The noble and learned Lord was very severe upon the careless and imperfect manner in which this Amendment was drawn, and contended that it was altogether insufficient for its professed object. The noble Lord proceeded to suppose a number of cases different from those provided for, such as where a man who had been in the custody of the sheriff had not been removed to Bermuda, and such like; and he argued, that in all such cases the effect of the exception would be evaded. No doubt it would if there were any such cases; but I was pretty certain in my recollection, and now I know, that there were only seven persons on this list, all of whom had been in the custody of the sheriff, and having submitted themselves had been removed to Bermuda, so that none of the persons who had thus officially and formally declared themselves guilty, could possibly, under this Act, obtain compensation for their losses. But, besides this exception, there were also words introduced into the preamble, which, by one clause, the commissioners were directed to take for their guidance in acting upon the Bill, strictly confining the compensation to cases of "unnecessary or wanton" destruction of property; and, therefore, a person defending his house against the Queen's troops, and having it destroyed, was at once excluded; the losses which persons distinctly brought upon themselves by their rebellion could not be called wanton and unnecessary. The noble and learned Lord, however, went further than this; he proceeded, as I understand, to say that Mr. Wilson's Amendment had been improperly rejected. Now, my Lords, it appears to me most inconvenient that this House should enter upon the details of a discussion in a colonial assembly upon a particular Bill. But your Lordships will find that that Amendment was very fully discussed, and was opposed on grounds which, whether right or wrong, were at least very fully considered. Now, my Lords, what was the argument used on this point in Canada by the supporters of the measure? Why, they said, "We agree, that as much as possible the compensation should be limited to those who suffered innocently during the rebellion, and will undertake to promise, that as far as possible that shall be done. We admit that principle, and are prepared to act upon it; but when you call upon us to introduce an Amendment which would except from the benefits of the measure all those who are engaged in aiding or assisting or abetting the rebellion, we want to know how those parties are to be known?" Now that, my Lords, is the question. How are the parties to be ascertained? We all admit that it is so far right that compensation ought not to be given to a man for the destruction of his property which has been brought about by himself; but what we ask is this—how are you, eleven or twelve years after, to ascertain who are the parties who really aided or assisted or abetted the rebellion? My Lords, I say every man, during a period of civil war, is liable to be accused of favouring the rebellionists; and for the moment the military authorities may think it advantageous to confine for the moment parties who may be quite innocent of the suspected imputation. During the continuance of a civil war or a rebellion, men are liable to be seized and thrown into prison upon mere suspicion, in order that they may not have an opportunity of reinforcing the enemy, without undergoing any trial or passing through any form of law; at all events it would be a monstrous violation of justice and common sense if all the parties so arrested are to be excluded from participating in the compensation; and I have no hesitation in going the length of saying, I believe few men can be found who will venture to support such a proposal. Indeed, whenever persons are pressed upon the subject—whenever they are called upon to show in what manner they would distinguish the rebels from the loyal subjects, they invariably shrink from the task. I may add, that inquiry upon the matter would be useless, if not impossible, at this distance of time—twelve years—since the rebellion; but supposing it practicable, it was the feeling of most parties in Canada that such an inquiry at this moment would prove so highly mischievous, create so much misunderstanding, and inflame party feeling to such a frightful extent, that it would be infinitely better that no indemnity or compensation whatever should be granted than that it should be accompanied by such an investigation. Upon that ground alone—and I think your Lordships will agree with me, it is not altogether an unreasonable one—it is much better that the Bill should remain as it is than have been hampered with a provision which could not have secured the end required, though it might have been productive of a good deal of mischief. But then, my Lords, the noble and learned Lord says the great majority of the English Members voted in favour of the Amendment. Now, my Lords, the Bill, as a whole, so far as its principle is concerned, may be acceptable to the majority, though that opinion cannot be gathered from the votes taken on particular amendments. For instance, the Navigation Bill—an important measure, every one would admit—passed the other day by a very small majority; but there were some noble Lords who approved of the principle of the Bill, though they differed with some of its clauses, and important amendments were proposed on the third reading, which, although rejected, had the effect of making the majority for the third reading a very miserable one indeed: it cannot, however, be argued from that circumstance, as the noble and learned Lord would seem to do in this case, that the measure is generally disapproved of. I am, therefore, somewhat astonished at the light in which the noble and learned Lord looks at the division-list on the Amendment in the Canadian Assembly, since I find many who supported it had already voted for the original introduction of the measure, while they also at a subsequent period voted for the third reading, notwithstanding their having voted the other way in Committee on the Amendment. As in the English instance just alluded to, some of the opponents might be absent on the third reading because they felt that they could not throw out the Bill; by the official list, however, I find that the great body of the Members supported the Bill from the first, of whom many are constant in their support. The noble and learned Lord followed up the complaint to which I have just alluded with some remarks upon the constitution of the Legislative Council. He was extremely severe upon the additions which had been made to the Legislative Council. He complained very much of commissions for the appointment of additional councillors having been sent out in the autumn without names, and of the appointment not having been delayed till the names had been approved of. Now, this is by no means the first instance in which this practice has been adopted in Canada; and I see no sort of objection to it, as the Secretary of State in all cases never can approve of the person before he is appointed. The Secretary of State in all cases bows to the opinion of the Governor General, and whenever the Governor General recommends certain parties, the necessary commissions are sent out as a matter of course. But, my Lords, I do deny, most positively, that this measure was adopted—at least, so far as I am aware—in contemplation of this Bill; in fact, I believe when these recommendations were made, it was anticipated that this Bill would not lead to opposition, since it was framed upon a measure, which formed a precedent for it, that had emanated from the party in opposition. I have already referred to certain remarks, which have recently been published upon Lord Elgin's despatch, by some person or other who is obviously connected with the minority of the legislative assembly of Canada. I have taken pains to ascertain the correctness of some of its statements, and I find this amongst them—namely, that twelve members of Council were made shortly before the meeting of Parliament, nine of whom were present and divided on the Bill, eight voting for and one against it. Now, I cannot help thinking that if it had been intended to make a large creation of councillors, for the purpose of passing the Bill, good care would have been taken that none of the persons selected would not vote against it. The noble and learned Lord also complained of the large number of these additional members of the Council being of French extraction, or belonging to the French population. Now, my Lords, I hold in my hand a letter—I do not know from whom it comes, as it is anonymous, but I have made inquiry, and am informed that its statements are correct—in which I find a statement of the composition of the Council as it now stands. I find it stated that, of the forty-six members, thirty-one are of English origin, and fifteen of French origin. Your Lordships will no doubt remember that the French population in Canada still slightly exceeds the English population in both provinces; and yet with the recent additions to the Council, the French members are something less than half of the English members. I must say, then, that it appears to me that this simple statement of the fact is a sufficient answer to any arguments in this matter. It was material in the early days after the rebellion that but a very small proportion of the French members should be appointed to the Council; in later times, when the French population are no longer hostile to the British Crown, it is only reasonable that additions should be made to the number of French origin. There are now only a third of French extraction, while half of the population are French; and I cannot think that there is any just ground of complaint. My Lords, the noble and learned Lord went on to say that the addresses to Lord Elgin were no tests of public feeling. I agree with him to some extent; but I must couple that admission with the belief that the real expression of the public feeling of the province ought to be taken from its representatives. No one attempts to collect the public opinion of this country from petitions or addresses, but from the votes of the representatives of the people. We all know how petitions and addresses are got up—how statements are made for one side and the other. But I cannot help reminding the noble and learned Lord that there is something more than these addresses to Lord Elgin to put us in possession of the public feeling of Canada. Deputations have waited upon Lord Elgin from all parts of the province, composed of the most influential and respectable parties. No less than seventy-five of these deputations have been received from various parts of Canada. But, my Lords, there is a remarkable circumstance connected with these addresses and deputations, to which I must not omit to call your Lordships' attention. Your Lordships will no doubt remember that the early petitions sent from Canada to this country, addressed to Her Majesty, prayed for the recall of Lord Elgin and the dissolution of the Parliament. Now, by the mail which has arrived to-day, I perceive that a sudden change has come over the minds of the people. Instead of praying for the dissolution of Parliament and the recall of Lord Elgin, they now find this is a bad time for a dissolution. My Lords, I confess that circumstance is to my mind very pregnant with meaning, as showing the state of public opinion among the French, who return the majority of the members of the House of Assembly; and in Canada—where I find the people deprecating a dissolution, and where the franchise is nearly the most popular that can exist—I feel that is a very good reason for believing that the majority of the members in the House of

Assembly are not incompetent to represent public opinion. In the early petitions, as I before remarked, the petitioners prayed for the recall of Lord Elgin; but in the addresses recently received from Canada, your Lordships will perceive that they express confidence in the noble Lord, although they object to parts of the measure. The noble and learned Lord observed that these addresses do not appear to give approbation to the Bill; but they were not intended to do so. They express great confidence in Lord Elgin, and earnestly and strongly object to the means which have been taken to overrule the constitutional decision of the Parliament of Canada. In calling upon your Lordships to reject the resolution of the noble and learned Lord, I do so far less by way of asking you to express an opinion upon the details of this Bill, than to say that this was a subject upon which the wishes of the people of Canada have been shown by their representatives, and that no grounds have been made out for calling upon Her Majesty to interfere to prevent the making of an Act which the people in Canada, as shown by two-thirds of their representatives, think ought to become law. It is perfectly consistent with that opinion, my Lords, that your Lordships may object to the principle of the Bill, or that many of your Lordships may regret that Mr. Wilson's Amendment was not adopted—that may be a subject for after consideration; but what I call upon your Lordships to do now is, to reject the present Motion, and pronounce it to be your opinion that this House has no right to interfere with the views of the Canadian legislature. What is the opinion of many persons in Canada, who, although opposed to the measure, do not allow party feeling to run away with them, and blind their good sense? They say, "We wish the Bill not to pass; but, at the same time, we say it is an Act the Parliament of Canada had a right to pass; and, under the circumstances, the Governor General would have acted wrong had he disallowed it, and it would be still more wrong in the Crown to disallow it. Therefore we support the Governor General, and we object to the petitions addressed to Her Majesty, calling upon her to withhold Her sanction to the measure which has passed the Canadian Assembly." Now, my Lords, that is the view taken by many people in Canada. I hold in my hand a letter from one of the opponents of the Bill, named Patten, who is described in an introductory paragraph as a stanch Conservative and real Royalist, written to a Quebec newspaper; and without troubling your Lordships with the whole of it, I will only read two passages, bearing upon the view I have just been stating. He says—

> "No one more than myself regrets the Indemnity Bill should have ever been introduced into the Assembly; but it having passed both Houses of the Legislature, I do not hesitate to state that had his Excellency Lord Elgin refused his sanction to the measure, carried as it undoubtedly was by a large majority, he would have acted unconstitutionally, and brought our present system of government into contempt."

And further—

> "If the measure in question is so unpopular, certainly our representatives are to blame, and not his Excellency the Governor General; and we who send them to represent us have our constitutional remedy."

Now, my Lords, I have already informed you that no disguise has been attempted by those who supported the measure—that these addresses have not been framed with any view of expressing any approbation of the measure, because in the opinion of the great majority of the people of the province, the question whether the measure is a right one or a wrong one, has now merged in the larger and much more important question of whether it is politic, when the Parliament of Canada has passed a measure, the minority should be allowed to appeal to the Crown, to overrule the decision of the majority? That is the point now to be considered—that is the large and important question we are now at issue upon —that is the question upon which the great majority of the inhabitants of the Province, of whatever religion, of whatever rank, and, I believe, of whatever political opinions, are at variance with the noble and learned Lord, who says, if we adopt this resolution, we shall be throwing oil upon the troubled waves, and produce a calm upon the agitated ocean of Canadian politics. Instead, however, of that being true, it is my firm conviction that, by passing a resolution of this kind, we shall be endangering the connexion between this country and Canada, by shaking the confidence which all persons cherish in the system of government now happily established there, by leading them to suppose that they will not be allowed to deal in a manner which shall be satisfactory to themselves, with matters of domestic and internal concern. If, therefore, my Lords, you adopt these resolutions, you will be striking a grievous blow at our Canadian possessions, and it is upon that ground that I oppose the resolutions, and I hope and trust your Lordships will concur with me in that opinion.

Lord LYNDHURST observed, that he had not been in the habit, for many years, of addressing their Lordships; but bearing in mind the relation in which he had been placed to the Crown and to their Lordships when he had held office at different times, he felt himself imperatively called upon, by a sense of his duty to their Lordships, and of his duty to the Crown, to express his opinion on the subject; he felt himself called upon to express his entire disapprobation of the measure to which the noble and learned Lord had called the attention of their Lordships. It was not his intention to say anything derogatory to the character of Lord Elgin. Lord Elgin he believed to be—and he stated it on the testimony of many persons who had the best means of knowledge—a most honest and conscientious, as well as able, man; and he must say that no person could by possibility look with more indignation than he did to the personal insults Lord Elgin had received—that no person condemned more strongly than he did those acts of intemperance and violence which had been directed against that noble Lord. It was not his intention to go into the question which had been so much discussed by his noble and learned Friend near him, and his noble Friend opposite, with respect to responsible government. What was the nature of responsible government, how it could be applied to the colonial possessions of the Empire, he would not take upon him at that moment to inquire. But he would say this, that unless the effect of responsible government was to establish an entire independence of the State in the chief colonies of the Empire, there were cases in which the Government of this country and the Parliament of this country might be called on directly to interfere. The question here—and it was a very narrow question on the main point—would turn on the construction of the Act of Parliament. The ground on which he objected to it was, that it rewarded rebels; that the honest, loyal, enterprising, and active people of Canada, who had expended so much of their strength, and treasure, and blood even, on the trying occasion of the rebellion, were to be taxed for the purpose of giving compensation to those persons whom, by their exertions, they had succeeded in defeating. The noble Earl had argued that the rebellion was over, that an amnesty had been passed, and that they were in that case to treat persons who had been engaged in the rebellion as subjects who might be employed in the service of the Crown. He (Lord Lyndhurst) made no objection to that amnesty. He approved of it; he thought it was a wise measure. But he knew no case where parties had not only received an amnesty, but had been rewarded and indemnified for the very losses they had sustained by their own rebellious acts. If the noble Earl could tell their Lordships any instance in which rebels who had sustained losses in consequence of their own rebellious acts had been rewarded and indemnified for those losses, that would be a precedent applicable to the present case. Having made those two or three preliminary observations, he must say a word or two in defence of an honourable individual whose name had been often mentioned. No doubt the noble and learned Lord, by a casual slip, spoke of Sir A. M'Nab as having done effectual service in the field in Lower Canada. That was corrected immediately after, and the noble Earl was then led to sneer at the conduct of Sir A. M'Nab, who had so highly distinguished himself by the gallantry he had displayed and the exertions he had made. It was true that Sir A. M'Nab performed no services in Lower Canada; but he was at the affair of Toronto, and the reason why no battle was fought on that occasion was, that on his appearance with the troops under his command the rebels immediately dispersed, and an effectual check was given to the foolish and ill-digested rebellion which had arisen. At Gallowshill, also, it was true there was no conflict. But when the troops under Sir A. M'Nab, with great exertions and great activity, moved on the position of the rebels, the rebels instantly abandoned their encampment, and left the field to the loyalists. Sir A. M'Nab received the distinct thanks of the Governor General of Canada, Lord Seaton, for the activity of his exertions, and the vigour he displayed on these occasions. He afterwards received the thanks of the Crown, and had that title conferred upon him which, though not a high one, was valuable as a testimony of the sense entertained by the Crown of his services. He (Lord Lyndhurst) owed it to this most honourable individual, who he thought had not been justly treated by the noble Earl, to make the statement he had now made. The question raised in the discussion of that night, so far as he understood it, resolved itself into a very narrow compass. The noble Lord did not appear to dispute the construction put on the Act by the noble and learned Lord. The Act embraced all persons except those engaged in the rebellion who had been convicted of high treason, along with the individuals who were described in the proviso. Was it disputed by the noble Earl? For if it were so, he (Lord Lyndhurst) would show him that the persons in the proviso were the only persons excluded from the operation of the Act. He might adduce an illustration for the purpose of showing that the effect and object of the Act was to reward and compensate persons who had been engaged in rebellion. Mr. Papineau was not convicted of high treason. He was not condemned; he did not submit. He absconded. He went to the United States. He passed from the United States to France, and did not return to Canada until after the Queen's pardon had issued. He took advantage of that pardon, and submitting to it he returned to Canada. Now, was it not perfectly clear that Mr. Papineau, who was one of the great leaders, one of the original instigators, who was pre-eminently the father of the rebellion, would be entitled to compensation under this Act? He did not come within the proviso or the exception. Whatever did not come within the exception, came within the operation of the Act. This was no technical rule, but a rule of common sense, and of ordinary construction. This original instigator, then, this person who was now supporting and voting for this very Bill to give compensation, would himself be entitled to compensation under it in consequence of the rebellion. It was a monstrous proposition. Was it not a direct affront to the empire? Was it not a direct insult to the Crown and the empire to say that he was to come forward and declare that he had sustained loss in consequence of the acts of those by whom the rebellion had been suppressed, and that he claimed compensation in consequence of that loss? And from whom? From the public purse of this country? No. But from the taxation of those very persons who, by their bravery and vigour, had so effectually succeeded in crushing the rebellion. Was there any one who, in that House, could assent to a Bill which carried with it such consequences? The leaders of the rebellion in Ireland had been taken, tried, convicted, sentenced. They were to be transported. Suppose that, after a few years, Her Majesty, in Her clemency, should grant them pardon. Suppose, by some revolution or other, they should return to this country; suppose any of them, by a similar revolution, to be supported by public feeling, and the Government changed; suppose, being in the Government, and having influence in the Government, they were to propose a Bill for the purpose of taxing the people of this country to compensate their associates in that rebellion for any losses they might have sustained; would there be a single Member of their Lordships' House who would approve of such a measure, who would not be filled with indignation at even an attempt of that kind? This was precisely the case now before the House. With respect to the party who held power in Canada, many of them had been deeply implicated in the rebellion. It had been said, the revolutionists were now the Government of the country. There was one member of that Government who gave his sanction to this measure, brought in for the purpose, or at least with the intent, of compensating and rewarding individuals who had been his companions in a criminal enterprise. Of Papineau he had spoken; it was of M. Lafontaine that he now spoke. If the noble Earl was led to believe that M. Lafontaine did not participate in that enterprise, he was wholly misinformed. The statement was perfectly incorrect. There were persons present who were acquainted with the circumstances, and knew every part of the transaction. The rebellion occurred in 1837; it broke out again in 1838. M. Lafontaine was engaged in the rebellion of 1837. He was then in Canada. He came to this country. The Executive Government issued a warrant against him, but no person took the trouble to inquire into facts. He heard of the warrant, and immediately left the country. The noble Earl said M. Lafontaine had challenged inquiry. When did he challenge that inquiry? He never returned to Canada till after the rebellion was suppressed. There was something ludicrous in the shifts to which the noble Earl was put. Sir J. Colborne related, in one of his despatches, that a person, Girouard, for whom a reward of 500*l.* had been offered, and who was apprehended, was found to have a letter from M. Lafontaine, in which he said that assistance, and pecuniary assistance, would be given him, for raising "the blue bonnets of the north," and putting an end to the feudal system for the purpose of rousing the vassals. He who was on the spot—who knew the character of the persons and of the transactions—did he consider it a mere joke? Did he put on the letter a construction which was so inconsistent with the noble Earl's gravity of character? He who brought in this Bill—the effect of which was to indemnify him for the losses he might have sustained—had used the language quoted by the noble and learned Lord. The noble Earl said that it was difficult to ascertain who were engaged in rebellion—that they might know who had been convicted or sent to Bermuda; but how should they know who had been concerned in the rebellion—how could they prove it? By documents in the possession of the Government. Sir J. Colborne, in a despatch forwarded at the time of the rebellion, said, he had taken 800 prisoners with arms in their hands; and that they were committed to prison, but afterwards discharged, as it was impossible to try such numbers. How many claimants did their Lordships think there were for compensation among the persons so designated as taken with arms in their hands? Three hundred and fifty-two. These persons taken in arms against the Crown, whilst endeavouring to establish the independence of the colony, were by an Act framed by their rebel leader to receive compensation for the losses they had sustained, and that compensation would in some instances extend to loss of time during imprisonment! Was anything so preposterous, so monstrous, ever before heard of? Being disposed to admit the knowledge, talents, and general accuracy of the noble Earl, he was surprised to mark the carelessness with which he appeared to have read the Act; the noble Earl seemed not even to have gone through the different clauses. The noble Earl seemed to say, that its operation was confined to compensation for "unjust, unnecessary, and wanton" acts. That was the construction he put upon it; he did not go so far as to say that rebels were to be compensated. But he said that compensation was to be made for "unjust, unnecessary, and wanton acts," and for the seizure and taking, or carrying away of the property and effects of the parties. But what did that comprehend? Certainly it would comprehend one of the cases which he (Lord Lyndhurst) had alluded to, of eight hundred persons being taken with arms in their hands; for every one of those persons would be entitled to receive compensation for the value of those arms which had been taken from him. One of the clauses empowered the commissioners to inquire into the losses sustained by violence committed by Her Majesty's forces, for the suppression of the rebellion—as if a rebellion could be suppressed without violence—or by persons acting in resistance to those troops. There was another source of compensation in the occupation of any houses or other premises by the naval or military forces of Her Majesty. All these were to be subjects of compensation. The noble Earl said he found that in a clause of the former Act, and it suited his purpose to do so, but the provision was exactly copied in this very Act. Any person, then, who had suffered from any violence of Her Majesty's troops, although acting in opposition to them, or any person having had his premises occupied by the troops, although it might happen that those premises belonged to a person engaged in the rebellion, would be entitled to ample compensation for the value of his losses. He was stating these things merely by way of illustration; for he did not intend to go at full length into the question, for he should detain their Lordships too long by entering into details. There was, however, still another class who would be entitled to compensation under this Act. There were 104 persons who had been outlawed for felony and treason, and who had fled, a reward being offered for their apprehension. Now, concerning the exception of these from the operation of the Bill, there was a difficulty. If persons fled, it was pretty good evidence of their participation in the rebellion; and were the Government prepared to sanction the compensation of these? He repeated, therefore, that unless their Lordships were to consider Canada as an independent State, they were justified in saying, "We will interfere for the purpose of preventing the passing of a measure which we consider injurious to the empire, and inconsistent with the respect due to the British Crown." He had heard it said—and the point had been pressed upon the discussion of the subject elsewhere—that the Governor General was to issue instructions to the commissioners under the Act. But their Lordships would observe that these commissioners were to be invested with no discretion. They were to take an oath to perform their duty, and their duty was to inquire into these claims, and to allow them when proved. When once allowed, there was no appeal from the decision of the commissioners; but the Governor General was bound to satisfy the claim. Great stress had been laid elsewhere upon these instructions by the Governor General, as to the effect they would have for the general guidance of the commissioners in determining these claims; but never, as it appeared to him, had there been a more idle pretence. A commission issued by the Crown would be under the control of the Crown. In that case the Crown might issue instructions to guide the conduct of its commisioners; but when a commission issued under the authority of an Act of Parliament, which prescribed to it the performance of a particular duty, no one had power to interfere with it. Could it be supposed that an Act of Parliament could be so qualified, or that the conduct of commissioners appointed under the Act of Parliament could be regulated by instructions from the Governor General? It had been said, and he had read it in print, that it was not the intention of the promoters of the Act, that rebels should be included in its beneficial operation; and, it was added, that Mr. Baldwin, the Attorney General, had made a declaration to that effect. He (Lord Lyndhurst) cared not for pretensions. The intention of an Act could only be found in its legal construction. If it were intended that no rebels should participate in the benefit of the Act, why was it not so declared in the Act itself? Not intended that rebels should participate in its benefit! It was passed principally with that view. M. Lafontaine was pressed over and over again in the early part of the proceedings, and while the Bill was in progress, to state precisely what was intended; but no satisfactory answer could be obtained from him. What could be more conclusive as to the intention of the supporters of the Act, than the reception given to Mr. Wilson's Amendment? If it were intended that rebels should not be compensated, why was not that expressly declared by the adoption of the Amendment? or if there existed any objection to the particular form of the Amendment, why was not its substance introduced into the measure in another shape? The noble Earl asked how it would be possible to ascertain whether persons had been engaged in a rebellion which occurred ten years ago? but he (Lord Lyndhurst) had pointed out whole classes of rebels who could be identified without any difficulty. The commissioners were appointed to inquire into claims. Why could they not inquire into the character and conduct of individuals? ["Hear, hear!"] Noble Lords said "hear;" but there would be nothing invidious even in examining parties themselves, because the amnesty which had been granted protected them from all the consequences which would otherwise have attached to their conduct. The commissioners would examine upon oath, and if not perfectly satisfied that a case of participation in the rebellion was made out with the clearness of demonstration, they would decide in favour of the claimants. In all cases where doubt existed, the benefit of the doubt would be given to the claimants, in accordance with the recognised principle of law. The preamble of the Act contained the words "just losses," and it had been argued that those words necessarily excluded all rebels, because it was impossible that persons engaged in rebellion could sustain just losses. The Bill, as originally introduced, did not contain the proviso which excepted the convicted and confessed rebels; and if the words "just losses" were intended to bear the interpretation which had been placed upon them, why was the proviso introduced at a subsequent stage of the measure? When the proviso was proposed, it would have been a sufficient answer to have said that all rebels being excluded by the words "just losses," *a fortiori* those referred to in the proviso must be excluded. The noble Earl had referred to a former Act brought in by the Conservative party in Canada; but because one Act had passed unnoticed, was that a reason why another should not be rejected when it was brought under the notice of the Imperial Legislature? The noble Earl said that both the Acts must receive the same construction. It was necessary to look how the Acts were to be applied; for though drawn up in precisely the same words, it was possible that they might be diametrically opposed to each other in operation. In Upper Canada the population was loyal, almost to a man. When the Act was framed for that province, it was not conceived possible that any rebel would claim compensation under it. It was only at Toronto and another place that any rebels showed themselves, and they could not have sustained any loss, because they ran away. Loss was notoriously confined to the loyal. What necessity, then, for making any exceptions in the Act? No exceptions were introduced, because there was nobody to except. The noble Earl stated, that a person named Hagerman, and four or five others, had claimed compensation under the Act passed for Upper Canada. In no case, he believed, did the compensation exceed 20*l.* or 30*l.*, and it was given not for general losses, but for property surrendered for the use of the loyal forces. The noble Earl had spoken jocosely of the impossibility of Mr. Hagerman being in treaty with Sir A. M'Nab for the supply of the commissariat. The fact was, that Mr. Hagerman never appeared in the transaction; he absconded, and the horse, for which a note was given in payment, was taken from his wife. So it was in every case—the compensation was given for property which had been taken for the use of the Royal forces. The cases of the two Bills were utterly unlike; and when they were closely examined, any attempt to establish a case for the present Bill upon the former one must fail. The noble Earl, and a Gentleman in another place for whom he felt great respect, had referred to a circumstance, for the purpose of showing what the intentions of the Conservative party were with regard to a measure which they were expected to have introduced. Lord Metcalfe appointed a commission to inquire into losses sustained by the loyal inhabitants of Lower Canada; but when Lord Cathcart succeeded Lord Metcalfe, the instructions given to the commissioners were of a different description. The commissioners were desired to classify claimants under the heads of "loyal" and "disloyal," or persons who had been engaged in the rebellion. What was the object of that commission? It was a commission to inquire, with a view to legislation, after all the facts should have been ascertained. Did it follow that because the Conservative party found that rebels had preferred claims for compensation, they therefore would have legislated in that sense? That would be an absurd inference. But what more? In another part of the Session of 1847, when the Opposition was strong, the Conservative Government was pressed on the subject of a Bill, and asked whether it was prepared to bring in a Bill similar to that which had been proposed in Upper Canada? The answer was, that the Government would not bring in a Bill then, because the state of the colonial chest did not warrant such a proceeding, and that at no time, and under no circumstances, would that Government ever introduce a Bill which would be inconsistent with the limited provisions of Lord Metcalfe's commission. What were their Lordships to do? Two alternatives were before them. On the one hand, they might pass the Bill, and keep up the agitation prevailing in Upper Canada, letting the consequences rest upon the Government—consequences so alarming that it was impossible to contemplate them without the most serious feelings of dread. Their Lordships might pursue that course; or, on the other hand, they might take the not unusual course of suspending the Royal assent to an objectionable Bill, in order that another Bill free from objection might be sent up. The latter course had indeed been pursued in this very case. It was originally proposed in the Act relating to Upper Canada that compensation should be given out of the imperial funds; and the Bill containing that provision was rejected, with an intimation that no objection would be taken to compensation out of the colonial chest. Why not act in a similar manner in the present instance? The noble Earl said that such a course would lead to irritation. Why should it have that effect? The Attorney General said it was never intended to compensate rebels; the Governor General intimated the same thing. How easy, then, would it be for Ministers to say to the Canadian Assembly —"We are advised by our officers that, by the construction of this Bill, rebels may, and in some instances must, be compensated; in that respect it does not carry out your designs; therefore bring in a Bill in accordance with your intention, and it shall be passed." How could such a course of action give rise to irritation, when it would merely be the adoption of the suggestion offered by the promoters of the measure? I am sorry—continued the noble and learned Lord—that, departing from my ordinary practice, I have had occasion to address your Lordships, and, perhaps, it is the last time I shall ever do so; but having held high office under the Crown, and being still its sworn servant, I feel strongly that this Bill compensating rebels is a mischievous measure, and insulting to the Crown of this empire, and that I should have failed to discharge an imperative duty imposed on me had I not offered to it my determined opposition.

Lord CAMPBELL observed, that when

the noble and learned Lord who had just sat down represented to their Lordships that there would be no difficulty at all in agreeing to the resolution of the noble and learned Lord (Lord Brougham), he seemed utterly to have forgotten that this Act was now in operation, that it was now the law of Canada, that it had received the assent of the Representative of the Crown, and that its powers could only be suspended by the direct disallowance of the Act by the Crown. The suggestions of the noble and learned Lord (Lord Brougham), instead of throwing oil upon the troubled waters, would only add fuel to the existing flame. He confessed that he had heard with extreme pain the speech of the noble and learned Lord (Lord Lyndhurst); he had hoped that he had returned to the cause of liberality, that he would steadily adhere to it, and die in it as he had begun in it. He (Lord Campbell) was old enough to remember when his noble and learned Friend was a stanch liberal—he remembered the time when he would have supported such a Bill as this, and when he would have treated with contempt such arguments as he had himself used to-night. His noble and learned Friend had taken a sudden turn, and had associated himself with those with whom he had not been accustomed to be very friendly. But the noble and learned Lord had taken another turn—

> "On revient toujours
> A ses premiers amours."

And he had hoped that his noble and learned Friend would have remained faithful to it. His noble and learned Friend not only supported the emancipation of the Catholics, having most strongly resisted that measure, but he had supported free trade. [" Question, question !"] He was now speaking to the question. The simple motives of the noble and learned Lord —[*Cries of* " Order !"] With respect to the French population of Lower Canada, he was afraid that his noble and learned Friend was influenced by the belief that they were "aliens in race, in language, and in blood." The view which the noble and learned Lord had taken of this Act, he (Lord Campbell) thought was an erroneous one. The present Bill was founded on the precedent of an Act passed for Upper Canada, which contained no limitation, and which was open to every objection which could be urged against the Act of Parliament now under consideration. In the Act passed for Upper Canada, the word "loyal" was not to be found, neither was it to be found in the Act of the United Parliament of both the Canadas to extend the powers of that Act. He thought that the same justice should be extended to the Lower Province as to the Upper; but the Bill proposed for Upper Canada contained no such limitations as were now proposed from the other side of the House. It would be most invidious to introduce into the Act for Lower Canada provisions not to be found in the Act for Upper Canada. In 1837 and 1838 there was an armed rebellion in both provinces. There were rebels in Upper as in Lower Canada. The situation of the two provinces was precisely the same—the only difference being that in Lower Canada the population were of French, and in Upper Canada of Anglo-Saxon origin. Could it be doubted that in the upper province many joined the rebellion, and that many who did so suffered serious losses; and could it be doubted that they would be entitled to claim compensation under the Act for Upper Canada, as the Lower Canadians would under this Act? But to come to the construction of the Act of Parliament. The construction of the words employed in the Act ought not to be judged according to the intention of the parties who introduced it—not in accordance with the debates which might have occurred during the time that it was passing through the provincial legislature — not according to the views of the Executive Government—but according to the words employed. Now, he thought that if the noble and learned Lord had read this Act of Parliament calmly and deliberately, he would have been of opinion that it did not give compensation to rebels, but to those who had suffered in the course of the rebellion, without at all meaning that rebels should be compensated. His noble and learned Friend treated with ridicule the words introduced into the preamble of the Act; but the enacting clause expressly referred to the preamble, and it stated that the commissioners were to be governed by the words of the preamble, and to give compensation only for "just losses." In Lower as in Upper Canada, the compensation was to be for losses suffered; but then they must be "just" losses. The words selected might not be the most felicitous; but of their meaning there could be no doubt, namely, that the claimant must show that he had sustained a "just" loss. What did that mean? That it was a loss for which he was justly entitled to compensation. Unless he could show a fair claim on account of such losses, it was instantly dismissed. How would that principle apply in the case of Papineau? If, having joined in the rebellion, he suffered a loss in resisting the troops of Her Majesty, was he entitled to compensation? Most decidedly not—that would not be a loss entitled to be compensated. A just loss was one which had been fairly incurred, and which could be made to lay the foundation of an equitable claim for compensation. In the case of wanton outrages, committed without reason or pretence by sympathisers, rebels, or even by the Queen's troops, it was meant that there should be compensation. That was the true construction of the enacting clauses. The question came, whether there ought to be a condition imposed on claimants to show that they were loyal subjects. Now, it would be most unjust to impose such a condition; for what could be the nature of the proceedings—what evidence could a man call—what witnesses could be examined—how could he make out that he was a loyal subject? The assumption of law was, that a man was innocent until he was proved to be guilty. But then it was said that there might be an opportunity to prove that a man had been disloyal; but that was a question which the Canadian Parliament had determined. He thought the Amendment moved by Mr. Wilson inexpedient, and that if it had been carried, it would have entailed great inconvenience on the province. Under its operation a man living at a distance of 500 miles from the scene of the rebellion, against whom it could not be alleged that he had engaged in the rebellion or assisted the rebels, might by some means or other be attempted to be shown to have assisted them. Under this Bill, wherever a party was shown to be guilty of rebellion, there was a short proceeding by which his claim was disallowed. Those convicted, even by court-martial, were deprived of compensation—all who had been in custody, and, taking the benefit of the Queen's pardon, had been transported to Bermuda, were exempted from compensation. But there could be no difficulty as to that, as the parties were attainted, and had forfeited their property to the Crown. For these reasons, he thought it highly expedient to reject the Amendment, and to pass the Bill. It had been said that the United States were watching our proceedings. He believed that nothing could give greater delight to the United States than that the Motion of his noble and learned Friend should be carried, that this Bill should be disallowed, and that the war of races should take place in that province which it was supposed the United States desired to add to its territory. He did not deny the right of the Parliament of this country to interfere when imperial interests were concerned; and, if this Bill had been one which would offer a premium to rebellion, he did not dispute that their Lordships might have interfered with propriety. But he should be sorry to interfere with the solemn decision of any colonial legislature. He saw the danger of such a proceeding, and thought it should be avoided, unless demanded by a sense of imperative duty. But the Bill gave no such powers; it only gave compensation to those who had suffered losses during the rebellion. It gave to Lower Canada what had been already given to Upper Canada; and it would be invidious to draw a distinction between the two cases, because the inhabitants of the lower province were of French origin, and the inhabitants of the upper one were of the Anglo-Saxon race. For these reasons he trusted that their Lordships would be of opinion that the sanction which had been given by the Representative of the Crown ought not to be interfered with, and that it would be a most dangerous course to take to prevent this Bill from fully and finally passing into a law.

Lord STANLEY: My Lords, I can very easily give credit to the observations with which the noble and learned Lord who has just sat down commenced his remarks, namely, that he listened to the speech of my noble and learned Friend behind me (Lord Lyndhurst) with great pain. But I must say for myself—and I think I can answer for the rest of the House, not excepting even noble Lords on the other side—that we listened to that able, lucid, and powerful speech with feelings of anything but pain. I think we must all have listened with a feeling of admiration at the power of language, the undiminished clearness of intellect, the conciseness and force, with which my noble and learned Friend grappled with the argument before him. But while, on the one hand, we see that age has in no degree impaired the vigour of his intellect, we can, on the other, only feel regret at the announcement he has made of so suddenly ceasing to occupy the attention of this House. I should have thought that if there was one feeling which it would be impossible for any man to entertain, after hearing that speech, it was any feeling akin to that exhibited by the noble and learned Lord (Lord Campbell) when he attempted to answer that speech by an unworthy taunt. I should have thought that my hon. and learned Friend's high position and long experience, his high character, his eminent and distinguished abilities, would have secured him, in the honoured decline of his years, from any such unworthy taunts as the noble and learned Lord has not thought it beneath him on such an occasion to address to such a man. If the noble and learned Lord listened with pain to the able statement of my noble and learned Friend, sure am I that there is no friend of the noble and learned Lord who must not have listened with deeper pain to what he has addressed to the House. And, my Lords, I confess that I little thought that such a remark could be hazarded with respect to the case made by my noble and learned Friend at the commencement—a case which was very much on a par with his argumentative powers. I fear, however, that I shall rather weaken than strengthen the effect of the arguments of my two noble and learned Friends, one of whom opened the debate—and the other of whom followed the noble Earl opposite; but before I address myself to the circumstances under which this Bill appears, I must advert to one or two points touched on by the noble Earl and by the noble and learned Lord, with regard to the control exercised by the Minister of the Crown over the advisers of the colonial governor in colonies where responsible government exists. By responsible government I mean the government of a party. Now I have always been of opinion that government by a party is by no means that which is most likely to contribute to the good administration or successful management of the affairs of a colonial dependency. I have always thought that such a system must involve the colony and the mother country in constant and most unfortunate disputes. At the same time I frankly admit, and I proved it by my conduct when I had the honour of holding the colonial seal, that—party government having been ntroduced into Canada—I, whatever my *à priori* opinions were, was, as Secretary of State, bound to do my best to give effect to that system. Indeed, I can hardly give a stronger proof of my conscientious adherence to the principle, than the fact that I made no objection to the admission of Mr. Lafontaine into the Canadian administration, although on many grounds I deemed that admission most objectionable: but on the principle that the advisers of the Governor ought to have the confidence of the Legislature, I felt, and my friend Lord Metcalfe thought with me, that I had no alternative but to accept the Minister at the hands of the majority of the Legislature. But then, if you are to say that that Minister, be he whom he may, is on all questions, whether local or general, colonial or imperial, absolutely to dictate the course of government, and exercise an unlimited control over the person who is nominally the representative of the Crown, but who under such circumstances would be the mere tool of a local administration—then I say that a system so carried out is utterly and wholly inconsistent with the idea of responsibility to the Sovereign or the Parliament of this country. Such a system, in fact, amounts to one of entire independence. If a governor has nothing to do but obey the orders of a responsible administration in the colony, it is a farce to talk about his being responsible to a Secretary of State at home, and as much a farce to talk of the Secretary of State being responsible to Parliament for any opinion expressed, or any act performed in the colony. The noble Earl stated that it was an exceedingly difficult problem to reconcile the authority of the Crown with the exercise of local self-government. Now, with both authorities pushed to their extremes, such a reconciliation is impossible. It is a case of contradictory terms. The notion of a supreme local government excludes the power of the Crown; and the notion of the power of the Crown again excludes that of local government. The real difficulty is this, as applied to responsible government. It is to state the occasions, and to form a judgment of the nature of the questions, in respect to which it is wise and expedient to interpose the authority of the Crown through the Secretary of State. But permit me to observe, that if it be laid down that on no occasion is that authority to be interposed, that a Bill which has received the sanction of the local legislature is necessarily therefore to pass, then I say, that, under such circumstances, the constitution of Canada, far from being like the constitution of this country, or anything approaching to it, is a constitution infinitely more democratic, more absolutely and purely democratic, than is even the constitution of the United States. For if this is to be the principle, that the Prime Minister of the colony is to advise the Governor on every question, and that his advice is always to be implicitly followed—that he must, too, be a man having the control of the local House of Assembly—that he is to advise the former, on all occasions, including those of the appointment of members to the Legislative Council—the result will be that the Legislative Council, the Governor, the Crown itself, will be absolutely made subject to one individual, who, for the time being, has in his hands the actual majority in one of the Houses of Parliament. I did not anticipate that I should live to see the time when I should say that, in a Conservative sense, a second elective chamber would be a greater check upon the democratic principle than an assemblage like the Legislative Council of Canada. But if the system adopted in that colony be carried out, a second elective chamber will carry with it infinitely more weight as an effective check upon absolute democracy than a Legislative Council, the members of which come appointed for life, but which was filled up with the nominees of the Minister for the time being, and thus reduced to a body the only duty of which would be to register the proceedings of the House of Assembly. Now I must call the attention of your Lordships to certain recent proceedings with regard to that Legislative Council. It is intended to be a check on the House of Assembly, and to constitute as it were a breakwater between the popular feeling and the power of the Crown. But what has been done in respect to it this very year? That Legislative Council, consisting as it did of thirty-three persons only, has within two years been increased—since the accession of the present Ministry to office—by not less than twelve new legislative councillors, holding, of course, the same political views as the Ministry who appointed them, and chosen, I will not say to carry this specific measure, but to support that Administration by their general concurrence. Now, it is no answer that the noble Earl talks of there being only fifteen councillors of French origin against the thirty-one or thirty-two of English origin, or that more than one-half of the new commissioners are of British origin. They are not the less tools of the present Ministry. Why, my Lords, look to this assembly which I have now the honor of addressing, and which does exercise a real and substantial control over the deliberations of this country—which does tend to preserve the balance between the despotic powers of the Crown on the one hand, and the unlimited violence of a purely popular assembly on the other—look upon this House, and tell me what would be the effect, were this assembly, consisting of about 450 Peers, to be increased at one change of Government by no less than 150 additional members—for that is the proportion by which the Canadian Legislative Assembly was suddenly augmented—to overthrow the constitutional balance, and support the Government of the day? Would not such a proceeding be a flagrant, gross, and violent outrage upon the British constitution? But it has happily been the policy of every Government, Whig and Tory, the wise and prudent policy of every Government, so to frame their measures as to reconcile and mitigate the differences of opinion in the different branches of the Legislature, and while they sought to moderate the violence of the democratic spirit in the Commons, to appeal—and no Government has ever appealed in vain—to your Lordships' prudence and wisdom to sacrifice somewhat of your own peculiar opinions, so as not to be brought into collision with the other branches of the constitution. That is the wise principle on which the British constitution has been founded. Alter that system and introduce the Canadian system, and you introduce—as I said before—a democracy more complete and absolute even than that of the United States. But the noble Earl admits that there may be occasions on which it is right for the Crown to exercise its power of veto. The question then is, what is the nature of those occasions, and is this one of them? The noble Earl made an appeal to our generosity on this side of the House—asked what we had to do with past transactions—talked of the amnesty, and of the prudence of burying old faults in oblivion. He called upon us to recollect what had been the policy of the great Earl of Chatham. He asked whether that statesman had looked back to 1745, and inquired who were out in 1745; and then he inquired, why should we look for those who were out in '37 and '38? I concur with the noble Earl in the policy of obliterating the memory of past offences. I don't desire to rip them up. The noble Earl says the fault has been forgiven. I grant it. But I ask in return, when you did not inquire about the '45, did you bring in a measure to compensate those who were out in the '45, for losses sustained by them at the hands of the King's troops, when engaged in putting down the very rebellion to which they were parties? If such a demand had been made in 1760, would any man have said that there was injustice, impolicy, hardship, cruelty, in saying, "Before you claim compensation, let us know what you were doing at the time, and how you happened to come by these losses." But such is the case now before your Lordships. The noble Earl admits that there would be a case for the interference of the Crown in the instance of a Bill tending to give encouragement to rebellion. Now, it is precisely because, in our opinion, the Bill does give encouragement to rebellion—it is precisely because the Bill does reward rebellion, at the cost of those who put down rebellion, and who suffered in their persons and their properties in doing so—it is because this Bill calls on those persons to compensate unconvicted rebels, that we say that the Bill does give a premium to rebellion; and there we join issue with the noble Earl—he admitting our premises, that we are right in rejecting a Bill giving encouragement to rebellion, but rejecting our conclusion that this Bill is one of that character. And now, my Lords, with respect to past proceedings, I must refer your Lordships to a history of the Bills which have been introduced on this subject, and of their objects; and I hope to be able to show you that at no time was it the intention of the Legislature of Canada to compensate rebels for loss, and that all the Bills of that description were introduced *alio intuitu*, and with a far different intention. The first Act passed by the Parliament of Upper Canada recited that "certain of the inhabitants"—not certain of the loyal inhabitants, I admit, but "certain of the inhabitants have sustained much loss and damage by the destruction of certain dwellings and buildings by rebels." In the year following that in which this Act was passed—a commission having in the mean time inquired into the merits of each case—an Act was passed authorising compensation in certain of those cases, and next year another Act was passed extending the provisions of the former Bill to losses sustained in consequence of the rebellion which broke out subsequently to the passing of the first Bill. In 1839 a Bill was passed by the Parliament of Upper Canada providing for the payment of all just claims arising out of the late rebellion, and that Bill extends the compensation from losses sustained in consequence of the rebellion, to losses sustained at the hands of invaders and sympathisers from the United States. This Act was disallowed by the Government at home, owing to its having provided that these losses should be paid out of the imperial, and not out of the colonial exchequer, which however was obviated in another Act of the following year; but still that other Act, although allowed by the Home Government, owing to financial difficulties, never came into practical operation. I beg to be permitted to read the preamble of this Bill, in order to show how completely it made known the intentions of the framers as regards the class of recipients contemplated by the Bill. [The noble Lord then read the preamble of the Bill, enacting that commissioners should be appointed to inquire into and satisfy outstanding claims arising in respect of losses and destruction to property sustained during the rebellion, from the conduct of the rebels and other parties who had invaded the provinces at various points; and also claims arising in respect of money and other supplies afforded to Her Majesty's troops.] The intention of the framers of this at least is, I think, perfectly clear and intelligible; but an Act was subsequently passed, extending not only to losses sustained at the hands of the rebels, invaders, and sympathisers, but to losses sustained in respect to destruction or damage to property occasioned by the violence of persons being, or assuming to be, in Her Majesty's service, and occasioned to houses that had been occupied during the rebellion by Her Majesty's forces. This Act was passed in the year 1841; but, like the former Act, never came into practical operation; and it was not until the year 1844, when I had the honour of holding the seals of the Colonial Department, that Lord Metcalfe pressed on me the extreme hardship to persons whose claims under this Act had not been satisfied, and I suggested a course, that was adopted on my recommendation, namely, that a specific tax throughout the provinces should be applied to the payment of the claims in Upper and Lower Canada. And that your Lordships may have an idea of the nature of the claims intended to be compensated by this Act in Upper and Lower Canada — (because simultaneously with these Acts an Act for Lower Canada was passed to compensate persons who had suffered losses at the hands of the rebels, and a sum of 21,000*l.* was paid for that purpose, but a subsequent inquiry was made extending the provisions of that Act, and was only put a stop to by Lord Sydenham, not because all the claims were satisfied, but because the financial condition of the provinces rendered it necessary to discontinue the payments before the inquiries of the commissioners were completed)—but that you may see the nature of the claims, I may be permitted to refer to a statement made to me by Sir R. Jackson, who was then administering the affairs of the provinces, with respect to the claim of a person named Isaac Smith, whose case was one of great hardship, for which no compensation could be given under the Act, although the claimant was a man of undoubted loyalty, living where disaffection had prevailed. When told that his property enabled the rebels to make a determined stand against the Queen's troops, the man at once consented to its destruction, which was accordingly effected by Colonel Taylor's orders; and when the circumstance was made known to Lord Seaton, the commander, on the following day, his Lordship approved of the step, and promised Smith that he should be indemnified. Now, as the law stood, this not being a loss arising from unnecessary or wanton destruction, being committed not by the rebels, invaders or sympathisers, but being a legitimate and necessary act on the part of the Queen's troops, the owner of the property having cordially assented to its destruction to further the operations of Her Majesty's forces, still that person, under the two former Bills, was not allowed compensation; and the extreme hardship involved in that and other similar cases induced me to allow the parties to be compensated. I state this as being the object of the Bill; and I believe that no person who was a rebel was compensated as such for his losses under that Act. The noble and learned Lord opposite, among the other rash assertions he hazarded, said that the situation of Upper and Lower Canada were precisely similar. I could hardly have thought that any man who had taken the trouble of looking into these transactions, could have ventured, in the presence of this assembly, the assertion that with regard to the circumstances of the rebellion in Upper and Lower Canada, they were precisely similarly situated; for in Upper Canada the rebellion, such as it was, was a most contemptible rebellion, and was put a stop to without the intervention of a single man of Her Majesty's troops. Have we forgotten that, relying on the loyalty, courage, and good feeling of the mass of the population of Upper Canada, Sir Francis Head, with a chivalrous feeling bordering on imprudence under the circumstances, actually, in the face of the existing circumstances, dismissed every soldier in the province, and threw himself entirely on the militia of the province, and, without the aid of a single soldier, suppressed the disturbances? In Lower Canada, on the contrary, although I wish to avoid awakening the reminiscences of angry feeling, I am compelled to state the fact that the bulk of the population were disaffected and disloyal; the rebellion caused great loss of life and property, and serious injury, and was not put down without great difficulty, and the exertions of a large and well-appointed force of Her Majesty's troops, aided by the militia. And yet the noble Earl tells us that the situation of Upper and Lower Canada is precisely the same, and that the Act of Parliament passed in such a case to apply to Upper Canada, may *totidem verbis* be repeated for Lower Canada, with equal safety and as little danger as existed in the case of Upper Canada. But the noble and learned Lord (Lord Campbell) has used two different arguments that mutually destroyed each other; for in the first place he says, that under this Act certain rebels did receive compensation in Upper Canada, and we must pass a Bill extending the same advantage to Lower Canada; and yet, in the same breath, he says that by no possibility can a rebel receive compensation under this Act. If the terms of the Act did not secure the exclusion of rebels in Upper Canada, but compensation was there given to rebels, though they were only few in number, and utterly insignificant, how can its terms secure the exclusion of rebels from compensation in the case of Lower Canada, where the number of the rebels was not few, but on the contrary numerous and scattered in all directions? The noble and learned Lord has said that only "just" claims, that none but "just" losses, are to be compensated under this Act; and the noble Lord, following in the same line of argument, says that under the term "just losses" you will clearly exclude all persons who are notorious rebels. The noble and learned Lord who preceded me on this side of the House, ably performed the task of answering this argument; but I hope I may be excused for briefly adverting to this point also. If rebels have no just claim to compensation, and will be excluded under this Bill, what then, I ask, is the use of the exceptional proviso in this Act? If all rebels without distinction are excluded by the term "just losses," why then specifically exclude particular rebels—only those who were either convicted of high treason, or those who have gone to Bermuda, having surrendered themselves to the constituted authorities of the province? Does the noble Lord say that the 104 outlaws are excluded, and that their claims are not just? Does he say that the 350 persons who were taken with arms in their hands, opposing the Queen's troops, but who were not prosecuted, are excluded from claiming compensation under the terms of this Act? Will he, as a lawyer, show me that the terms of this Act exclude these persons; or will he not admit, as my noble and learned Friend with great force urged, that the mere fact of the exceptional proviso excluding certain classes, admits all those other classes which are not specifically enumerated? But then it is said the phrase "just claims" excludes all rebels. But how are you to know that the claims are just, or the contrary? But what does the noble Lord mean? He does not mean convicted rebels, because they are excluded by the words of the Act; but then you must inquire into the justice of the claims. But the noble and learned Lord and the noble Earl protest against the monstrous principle of raking up old grievances, and inquiring whether a person was a rebel or not, and calling on him to give an account of his conduct, and satisfy the commissioners that he was not a rebel. Well, if this inquiry is not to be gone into, I should like to know how you are to satisfy yourselves with regard to the justice or injustice of the claims preferred? But it does so happen that by the Bill as it now stands the commissioners are bound to institute that inquiry—they are bound to call the parties before them—bound not to take the evidence of the claimant alone, but to send for all persons who may be able to throw light on the circumstances of the case. The commissioners would have to throw on the party claiming the onus of showing under what circumstances it was that his loss was sustained. Well, suppose it should turn out under these circumstances that a man put in a claim for a musket, and was asked, "Pray, where were you when you lost it?" "Not at home," he might say. "But where were you?" "I was at so and so." "And what were you doing at the time?" "I lost the musket because Her Majesty's troops came into dangerous proximity to me, and I had to throw it down and run away; and I have never recovered it again even to this day." [Lord CAMPBELL: That would not be a "just loss."] The noble and learned Lord talked a great deal—he talked a great deal about the injustice of subjecting a man to trial for high treason, telling us that trials for high treason in this country surrounded the accused with all kinds of safeguards to protect his life against any unfairness or any undue advantage being taken of him in the course of the prosecution. He must be furnished with a copy of the indictment, he says, and a list of the witnesses, and this and that security when he is to be tried for his life on a charge of high treason; and what! says he, do you mean to subject these men—the entire 200 or 300 of them—to be tried for high treason, without even the formality of a court of law—without a man knowing what is to be the case against him, who are the witnesses to be examined, and what are the proceedings to be instituted? In this, as it happens, there is no necessity for any such "monstrous injustice, or height of tyranny," as the noble Lord appears to apprehend; for under the amnesty no penal consequences could befall the party, even although he confessed his guilt. This would not be a trial for high treason, but merely a man coming forward to prefer a claim upon the Government; and is there anything unjust or unreasonable in asking the man who makes a claim for the money of the public, to make good the justice of his demand? And yet, how was the unjust claim of a person implicated in the rebellion to be fairly excluded without such an inquiry as the noble and learned Lord says is perfectly monstrous, and shudders at as the very height of tyranny? I will not enter into the discussion of the particular amendment, moved in the course of the legislative proceedings on this subject; but I say that the whole course of these proceedings intimates—in direct opposition to the statements now made by the noble Earl—that it was the intention of Lord Elgin's advisers to compensate rebels for the losses they sustained. Lord Elgin seemed, in the course of those proceedings, to assume that he could exercise no control over his responsible advisers: that was not the doctrine held by that wise, great, and good man, Lord Metcalfe, to whose transcendent merits my noble and learned Friend has in the early part of the evening paid a just and eloquent tribute. Of the high qualities of that distinguished man it would be impossible to speak in terms of exaggerated praise. I know nothing more touching than the uniform patience and fortitude with which, in the agony of an incurable disease, in the presence of death in its most loathsome and appalling form, in the midst of the most violent party struggles, surrounded by the most distracting vexations, and the extremest agony of body and mind—nothing could be more touching than the self-possession, the calmness, and temper with which he restrained the violence which assailed the Governor of Canada, and with a strong and steady hand maintained the authority of the British Crown—daring to say to those who had rebelled against it, "So far shall ye go, but further ye shall not go;" saying to them, he would not allow himself to be made a victim or a tool. Lord Metcalfe felt that he was responsible to his Sovereign, and he would not permit himself to shelter himself behind that which might compromise the loyalty of the subject or the prerogative of the Sovereign. I will now take the liberty of directing your Lordships' attention to the commission that had been issued on the 24th of November, just ten days before Lord Metcalfe quitted the post which he had occupied with infinite honour to himself and with a degree of advantage to the country, the amount of which it would be extremely difficult to estimate. The commission was issued for the purpose of inquiring into the losses sustained by Her Majesty's loyal subjects in that part of the province which formerly constituted the province of Lower Canada. Observe, my Lords, it was into losses sustained by Her Majesty's loyal subjects only that the commissioners were to inquire. But the commission went on to say "losses sustained during the unnatural rebellion that had lately taken place." Lord Metcalfe called things by their proper names. He said what he meant. When he meant that loyal subjects only should receive compensation, he said so; and when he spoke of rebellion, he used no honeyed phrase, but he called it "the unnatural rebellion." I don't mean to say a word against the noble Lord who succeeded him; but it is very remarkable that on the 12th December, only twenty-two days after the despatch of Lord Metcalfe, came further instructions for the same commissioners, signed by the secretary, Mr. Daly, directing them to "inquire into losses sustained by Her Majesty's subjects"—not Her Majesty's loyal subjects, but merely "Her Majesty's subjects during," not the late unnatural rebellion, but "during the unhappy troubles in Lower Canada." These are the instructions to the commissioners to classify the persons claiming, and to mark those who had taken part in the rebellion, or had aided or abetted those who had taken part in it, stating particularly but succinctly the loss sustained in each case, its amount and character, and, as far as possible, its cause. Now, it is very remarkable that there should have been such a variance between the two sets of instructions sent to the commissioners, and the consequence was that the secretary to the commission called for fresh instructions. He said that the instructions, differing as they did so essentially, required further explanation, and he asked what rule he was to follow? The reply was, that no distinction should be made, except between persons implicated in, or connected or not connected with the rebels. The commissioners had no power to summon witnesses, or to administer an oath, or to send for persons, papers, or records; and they said that in executing their orders to classify the claimants, they should take the decisions of the courts of law as the only absolute ground upon which their decisions could be founded. But remember, this is only a preliminary inquiry, in order that the cases might be more carefully examined at a future inquiry, before a tribunal which will have the power of examining witnesses and administering oaths. It is plain, then, that there was no intention to exclude any persons but those connected with the rebellion; and the language used during the discussions is enough to satisfy me that the noble Earl is altogether in error upon the subject; and that it was not the intention of the Ministers of Lord Elgin to recommend that compensation should be granted only to persons who had not been implicated in the rebellion. During the discussions, various questions were put to the leaders of the Ministry, to which no answer could be elicited from them. But Mr. Cameron, who was one of the Ministers, trusted that there would be no "Star Chamber" scrutiny as to whether a man were loyal or not, but merely whether or not his property had been destroyed. Another of them, Mr. Hincks, went a little farther, and said that parties who were engaged in the rebellion, but not convicted by due course of law, should be included, and the fact of being engaged in rebellion was to be no criterion. He said that it was not intended to pay a shilling to any individual convicted of high treason. Mr. Merritt, who was the President of the Council, said, he would not deal with those delicate distinctions between those who had and those who had not been convicted of treason. Mr. Drummond says, talking of the trials by court-martial, that he hoped their decisions would be all reversed, and that it was not the business of the House to say who was guilty of high treason or not, for that the Act of Indemnity had done away with the whole question. Some of the Ministers went so far as to defend the rebellion itself, and to say that it was a necessary opposition to arbitrary power. And the President of the Council, as I am informed, voted in the small minority against the exclusion of any one from the operation of the Bill.

Lord LYNDHURST: He said he should oppose it.

Lord STANLEY: Yes. He said that although he assented to the exceptions made, yet that he hoped to see all those who had been found guilty, and even banished to Bermuda, included in the provisions of the Bill. Now, these statements were all made during the progress of the measure by the advisers of the Crown. I say it was to compensate rebels, to grant money to persons who had been notoriously engaged in the rebellion that it was framed, and that the Canadian Ministers do not put the construction upon it which is put upon it by Her Majesty's Government. Here is the case which proves it. It is the statement of Mr. Jones, who was one of the persons who supported the Ministry, though a most honourable exception to the usual servile manner of the persons who supported it. Mr. Jones, although a supporter of the Government, resisted the Bill, and stated the substance of a conversation that he had held with M. Lafontaine upon the subject; and if any of your Lordships should still have the least lingering doubt upon your minds, this statement must remove it. He called upon M. Lafontaine, and, in order that he might not mistake the views of the members of the Government, he named three or more persons whom both he himself and the distinguished member of the Government to whom he was speaking, knew had been engaged in overt acts of treason and rebellion. They both knew that those persons had taken up arms to subvert the Government. Mr. Jones asked, would those persons be included and entitled to indemnity under the Bill? There is a plain question put to the Prime Minister. That hon. Member of the Government was too honest and too honourable to attempt to deceive Mr. Jones. He, therefore, answered candidly and frankly, that they could make no distinction of persons, and, consequently, that the persons named could not be excluded from being indemnified for the losses that they could prove under the provisions of the Bill. And yet, in the face of that declaration, Her Majesty's Government had the courage to tell us here, and Lord Elgin had the credulity to believe there, that it was not the intention of the Government to compensate rebels. My noble and learned Friend has given you his construction of the language of the Act. Lord Elgin tells you that they did not intend to compensate rebels; and the question your Lordships have to decide is, will you, the House of Lords, in the discharge of your high functions, acquiesce in the principle of that Secretary of State who tells you that this is not a question which affects the honour and dignity of the Crown—that it is an Act of a purely local nature—and that, if you wish to throw oil upon the troubled waters of Canada, you will do it by giving your assent to this Bill, which is an insult to the loyal inhabitants of Canada, and which is passed for the benefit of those rebels whose rebellion has been crushed by the exertions of the loyal inhabitants? That is the mode in which you will prevent their desiring an annexation to the United States. I wish to God that it may be so; but, if I know anything of the feelings of good men, and of good subjects, of honest attached subjects to Her Majesty, I know nothing which would sooner make me look upon my allegiance with almost loathing, than that a Minister of the Crown whose rights I had defended with my blood, should impose upon me a penalty for the purpose of rewarding traitors, even although they might be unconvicted. I trust you will well consider the Motion of my noble Friend. He does not call upon you to refuse the sanction of the Crown to the Act, but to consider whether it will effect the intentions you have in view. And, my Lords, I entreat of you to require that the Ministers will make such amendments in the Act, that it will accomplish what they say they intend. Unless such amendments are made, you should say that you will not consent to the compensation of notorious rebels, and thereby inflict a grievous wound upon the loyal inhabitants of Canada. I think this is a question of deep and grave consequence. I think if ever there was a question where the interference of the Crown, for the purpose, I will say, of preventing erroneous and most mischievous legislation, was desirable, this is the occasion on which it is the duty of the noble Earl to interfere. I don't believe such interference would have a tendency to rouse up again or exasperate the war of races in that country. I do believe this, that there never was a moment at which any Minister had such power and opportunity of putting an end to the jealousy and war of races as the present Canadian administration had when they came into power. They had defeated their opponents; they had an absolute majority; and if they had confined themselves moderately and temperately to administer the duties of their high office, I believe that discord and dissension would, in a great degree, have decreased under the influence of that administration; but, unhappily, the first step they took was to pack the Legislative Council, to enable them to carry their views into effect, and then, without notice in Lord Elgin's speech, or previous intimation, to bring forward a Bill they knew would provoke the greatest exasperation and anger, and pass it through with unparalleled haste; for they refused to adjourn for ten days between the introduction of the resolutions and the passing of the second reading of the Bill, though it was impossible, from the state of the roads, for the members to confer with their constituents on the subject before them. The Bill was hurried through the Legislature, every amendment and modification was rejected, and it was made notorious to the people of Canada and to the world that this French majority—for a French majority it essentially was, though the representatives of some British constituents were joined with them—were determined, banded together, to declare for the maintenance of *nos lois et nos institutions*, and to trample down the numerical minority in the House of Assembly, and to exert a signal vengeance, and to have a signal triumph over their opponents by the passing of a Bill which was known to be most exasperating to the loyal inhabitants of Canada. If there are dissensions there, they have been evoked by the conduct of the present administration. It is the duty of the Colonial Secretary to exercise his high authority to mitigate animosity, to explain that which is not clearly understood, and to remove substantial objections. This is the time for the interposition of the noble Earl, and this is the time when, by supporting the Motion of my noble Friend, your Lordships will have an opportunity of expressing your opinion and tendering your advice on the subject.

LORD CAMPBELL begged to offer a single sentence in explanation, with respect to what he had said. He never meant to say, or said, that it would be the duty of the commissioners, whether the loss was a just loss, or arose from complicity in the acts of rebellion, to order compensation. If it were proved to have arisen by complicity in acts of rebellion, undoubtedly the claim for loss would be rejected.

The EARL of ST. GERMANS said, that as the question before their Lordships had originally received the sanction of the Government with which he had the honour to be connected, he must state his reasons for opposing the Motion of the noble and learned Lord. He had heard, not without surprise, that the noble Lord who had last spoken intended to support the proposition of the noble and learned Lord, for he well remembered having heard the noble Lord on previous occasions powerfully advocating a system of reform in Lower Canada. He remembered that the noble Lord, in supporting a Motion for inquiry into the grievances of Lower Canada, expressing his opinion that liberal measures ought to be introduced—that the evils existing in that colony were owing to the jarring and collision that prevailed between the legislature of that colony and the executive, and the want of harmony between the two branches of the legislature of the colony; and subsequently his noble Friend, as Secretary of State for the Colonies, fairly and frankly acted upon the principle of responsible government—that principle which the noble and learned Lord (Lord Brougham) had expressed so much difficulty in comprehending the meaning of. He (the Earl of St. Germans) accepted the interpretation of responsible government put by the present First Lord of the Treasury, whose despatch, when Colonial Secretary, had been so much commented upon in the course of the debate. He understood responsible government to mean that the administration of local affairs was to be conducted by those who were supported by the Parliamentary majority, provided these measures were not at variance with the honour of the British Crown. He wished to call their Lordships' attention to the various changes that had occurred in the colony since 1791, and having done so, he begged to advert to the resolution or address that had given rise to the Bill now under consideration. He was not prepared to go the length of the noble Lord opposite (Lord Campbell) as to the comparative condition of the two provinces of Upper and Lower Canada; but, on the other hand, he could not go the length of his noble Friend who last spoke, that the cases of the two provinces were so entirely different as to destroy all analogy between them. He admitted at the same time that rebellion had prevailed to a greater extent in Lower than in Upper Canada, and hence it was unavoidable that if a Bill were framed for admitting rebels to compensation, more rebels would be admitted in Lower Canada than in Upper; but he did not see that the former case necessarily afforded more encouragement to rebels than the latter, and he certainly considered it would be invidious and improper to adopt a different principle of legislation in the one province from that which was adopted in the other. There was, in fact, a difference between the two Acts; but the difference consisted in the introduction of an additional precaution into the Act now under consideration. A noble Lord had said that if the clause as to just losses were sufficient, why introduce any clause with respect to the parties who were convicted; and he (the Earl of St. Germans) apprehended that was an excessive precaution on the part of the persons who introduced the measure. He did not wish to offer any opinion of his own as to the construction of this Bill; but reading it as a layman, not as a lawyer, he had no doubt that the clear intention of the Act, and the only construction which could be put upon the words "just losses," was, that rebels were not to be entitled to compensation. He did not say that that was the construction which would be put upon it by lawyers; but looking at it according to the principles of common sense, it appeared to him that, even taking the extreme cases which had been put by his noble and learned Friend, they would admit only of the answer he had given. There might be difficult cases to decide under this Act; but the compensation of rebels was not the intention of the Act, and he did not think it would have that effect. Let their Lordships consider the safeguards that were connected with this Bill. The appointment of commissioners was vested in the Governor General, who, no one could doubt, would appoint persons that were above suspicion, and who would act without favour or partiality. Then the commissioners were to take an oath that they would award compensation according to the true intention and meaning of the Act; and looking at the Act, he thought those commissioners could not fail to see that it was not intended to extend compensation to actual rebels. Further than this, there was the introduction of the 10th clause, which, as well as the whole preamble of the Bill, left no doubt that by just losses it was intended to exclude those who had been actually engaged in the rebellion. That was the common-sense view of the subject, and he could not doubt that it would be so acted upon. But suppose it were otherwise. His noble Friend had read several speeches delivered in the Assembly; but he would ask his noble Friend whether he had read certain other speeches by Gentlemen who had moved the Amendments — Messrs. Wilson and Galt? If their Lordships turned to the papers on the table, they would find that Mr. Wilson, who was the mover of the Amendment which the noble Lord substantially sought to carry—arguing as if the Bill was to be considered in their Lordships' House as a measure affecting this country, instead of their being called to deliberate upon the question as a court of appeal—Mr. Wilson declared in his speech after the measure had been passed, that while he still thought his Amendment ought to have been adopted — and he (the Earl of St. Germans) need not say but that he might have preferred the Bill if the Amendment had been adopted—yet Mr. Wilson went on to say that he was not prepared, as a member of the Lower House, to call for the interposition of the Imperial veto upon a measure which had been adopted by so large a majority. Mr. Wilson spoke of responsible government, and said that at its first introduction he doubted if the colony was ripe for its exercise; but he added that responsible government having been introduced, he thought it would be treating the colony with insult and contumely if the consent of the Crown were now to be withheld. That was the view of the case taken by another member who had voted with him, and who used still stronger language—Mr. Galt. He would not at that late hour of the evening trespass further on their Lordships' attention; but before sitting down he would call upon their Lordships to consider what consequences were involved in the Motion of the noble and learned Lord. It proposed that the House should annul a vote which had been passed by a large majority of the House of Legislature in Canada. It called upon them to overrule and set aside the judgment of the noble Lord the Governor General of Canada. That noble Lord, to whom his noble and learned Friend had paid a just tribute of applause—a noble Lord whose career had been eminently successful—a noble Lord in whose judgment and ability it was impossible not to feel the most perfect confidence—a noble Lord who told them that he had felt constrained in the exercise of his responsibility to sanction this Bill, and who now called upon their Lordships, not on light grounds, to annul and overrule his decision. Neither would he have them to lose sight of this consideration — that this Motion attempted to overrule the decision of a large majority in the other House of Parliament. He did not say that they were thereby to be deterred from considering the question—God forbid that he should say so! —but this he did say, that in considering it they were bound not to leave this consideration altogether out of sight. If they had any doubt on the question, they were bound to give the benefit of the doubt to such a consideration as that which he had urged. It was no light matter that the two branches of the Legislature should take different views of the same question; but it became still more grave when the interests of the colonies and the feelings of the inhabitants were involved in their decision.

The Marquess of LANSDOWNE felt it his duty to offer a few observations to their Lordships before they came to a division, but which should be very short, as the ground upon which he meant to rest his vote had been most distinctly, clearly, and forcibly stated by the noble Earl who spoke from the cross bench (the Earl of St. Germans). But, nevertheless, standing in the situation in which he did, he thought it absolutely necessary to recall their Lordships' attention to the great importance of the question which they were about to decide. He had with some regret perceived, from the course which this debate had taken, that it had assumed the character rather of a Canadian debate than of an Imperial debate; and that they had been dealing with the constitution of Canada rather than with a decision of the Assembly of that people. He attached great importance to the decision of the House on this occasion, because it was the first time since that period when their Lordships—he would not say felt themselves compelled, because he believed they did so willingly—but, when perceiving the growth of that colony, the increase of its inhabitants, the progress of its information, and the increase of its wealth — they thought, and justly thought, that the period had arrived when to that colony they were bound to give the benefit, he would not say of a responsible government, as that term had been objected to by his noble and learned Friend, but the benefit of a constitutional government in the full sense of the word. Since that period this was the first occasion which had arisen when their sincerity in making that gift had been brought to the test, and when, by a proceeding to be adopted by Parliament, they were placed in a situation to show whether that which they gave was a reality or a delusion, a substance or a shadow. Much had been said that night upon the character of colonial governments; and no one felt more than he did that when they were called upon to consider any questions of this nature, arising out of the growth and constitution of their colonies, they were called upon to decide some of the most difficult questions which were associated and connected with an extended empire. Our colonies were to be placed in different categories. This country had many colonies, and he trusted she would continue to preserve them. The governments of those colonies were of different descriptions, unavoidably arising out of the character, the extent, the population, and the power of those colonies; and according as they differed from each other in all those circumstances, one species of government or another might be the best adapted to their condition. Now, he could conceive the advantage attendant on a colony in its infancy—a colony in which society was limited, information circumscribed, and all its circumstances narrowed by its position and its extent—he could conceive that the government of such a colony, being directly carried on under the control of the parent State, might be the best which the nature of the colony required. All the authorities he had heard to-night concurred in the opinion that as a colony prospered, that prosperity might advance it to a situation in which necessity might require that a change should be made in the administration and system of the government of that colony, and in which, if they hoped to retain any influence over it, and maintain undisturbed that connexion which was attended with advantage to the parent and to the dependent State, they must enlarge the basis upon which they conducted that colony. There was one basis, and one only, on which the government of any colony belonging to this country could be enlarged, and that was by being made, according to the usual acceptation of the word, a constitutional government. That government might be, and, he trusted, would be found to be, not in Canada only, but in many other large dependencies of this country, a useful, a happy, and a safe government. But while he said that each of these forms of government might have its own recommendations, there was a third mode of treating a colony which he did not think equally safe and equally advantageous. It was to give to a colony the semblance of a constitution, and, when they had given it, to remain jealous of its operation, and to endeavour to exercise over it that control which they possessed before, upon grounds which were not tenable or consistent with the possession of the constitution which you had given. Such was the position in which Canada was now placed. They must not give to any colony a constitution in leading strings. It was not because their Lordships might differ from this or that particular Act which a colony might have adopted; it was not because they saw opinions brought into question with which at the time their Lordships did not altogether go along, that they were instantly to call forth the whole power of the parent State, and say to that colony—"Thus far you shall go, and no further; we will stop you *in limine* on this point, and we will not allow you free discussion for the settlement of questions in a manner which we do not ourselves approve." He must again say, what had been said before, but without apparently producing any effect upon noble Lords opposite, that this was no question of principle upon which they differed, but a question of detail. The noble and learned Lord opposite, who spoke somewhat early in the debate, had throughout his speech called this a Bill for rewarding rebels. He (the Marquess of Lansdowne) denied that it was either a Bill for rewarding rebels, or a Bill for rewarding anybody. He held no person to be a rebel in the eye of the law, who could not be proved to be a rebel. He held no man to be rewarded in the eye of the law, who did not obtain an advantage which others did not obtain. In neither of these respects was this a Bill for rewarding rebels. If the principle of the Bill was—as had been represented by the noble and learned Lord — the rewarding of rebellion, the convicted rebels should have been selected for that reward, instead of being excluded from it. If it had been the principle of this Bill that rebels were entitled to distinction, far from omitting those who had been convicted, and who had been pardoned or banished, it would have been stated that they were the very class who were entitled to the first share of remuneration. But, although he would admit—well knowing the learning, the astuteness, and the ability of the noble and learned Lord—that if he had been in the Canadian Assembly, and had had to draw up this Bill, the clauses might have been more clear and satisfactory, and better calculated to exclude rebels than they now were, he must deny that the principle of the Bill was to admit rebels; on the contrary, its principle was to exclude them. The point upon which the noble and learned Lord differed from the Canadian Assembly was this—that the principle of the Bill being to exclude rebels, that principle was not carried out in detail in so satisfactory a manner as the noble Lord desired. He repeated that this was no question of principle, and that what they were called upon to do was this—that having given a constitution to Canada, they were called upon by the noble and learned Lord to sit with the Canadian Assembly, to follow them in Committee, and to determine clause by clause whether they had decided rightly or wrongly. Now, this he (the Marquess of Lansdowne) contended was what their Lordships were totally incompetent to do; because those who decided must hear, those who formed an opinion upon local matters must know the locality, and those who determined questions affecting private interests and private conduct must have the means of ascertaining upon the spot the nature of those interests and of that conduct. They had been told that the Canadian Assembly was not to be considered as representing the opinions of the people of Canada. If that were the case, he would ask their Lordships how they proposed to collect the feelings and opinions of the Canadian people? Not, he was sure, from those who burnt the House of Assembly. Their Lordships would not consider those persons exponents of the opinions of the people of Canada. He felt sure that noble Lords would reject any opinion that came from such a quarter as one utterly worthless, and unfit to be considered in that assemblage. How, then, was the opinion of the Canadian people to be ascertained, if not from their two Assemblies? One of those Assemblies was elected by a species of suffrage, for the existence of which all the late Governments of this country, including the Government with which the noble Lord opposite was connected, were answerable. To the other branch of the Canadian legislature the noble and learned Lord had taken exception, on account of the recent additions which had been made to it by the authority of the Government — additions which were made long before this Bill was brought forward, and which could not, therefore, have been made with the object of carrying the measure. Undoubtedly, however, those additions were made by the Government; and he agreed with the noble Lord opposite that such additions would not be tolerated in this country. But did the noble Lord really mean to say that there was any analogy between the constitution of the Canadian Council and the constitution of that House? He would ask the noble Lord whether their Lordships' House was, as a whole, of recent creation? Were there in Canada—as fortunately there were in that House—old hereditary families supplying the Council with a succession of members independent of the Crown? In the absence of any such hereditary descent, what had the Crown to do—or the successive Administrations which advised the Crown—but to augment that Council from time to time, and to augment it, undoubtedly, under different circumstances, with persons of different political opinions? He would ask the noble Lord whether, previously to the last creation of members of the Canadian Council, immense creations had not been made in that Council by the opposite party? And did the noble Lord really think that, while additions had been made to that Council by one party for a long series of years, it was possible, under another party, to carry on the Government with anything like harmony between the two branches of the Legislature, without further additions to the Council by the party now in power? He (the Marquess of Lansdowne) maintained that it had been indispensable for Lord Elgin to do what he had done, and that these appointments had been made in a strictly constitutional sense and spirit. But if the present Assembly in Canada did not represent the real sense of the people, what fear could there be of a dissolution? His noble Friend had told them that by the last advices from Canada it appeared that those who composed the minority were far from expressing any desire that the sense of the country—the sense of the English party as well as of the French party—should be collected. He (the Marquess of Lansdowne) felt himself compelled to adopt these distinctions by the observations of the noble and learned Lord opposite, though he sincerely lamented that he had to do so, because he held that the perpetuity of such distinctions was one of the greatest evils that could exist in any country, or under any Government. He considered that, after the lapse of two-thirds of a century since the French population of Canada had been brought into connexion with this country, and after twelve years had elapsed since anything like disturbance had occurred in Canada, to keep hanging over the French population of that country the imputation of habitual disloyalty—or, to use the delicate phrase of his noble and learned Friend, of habitual non-loyalty—was the very way to produce that want of loyalty, and to keep up that jealousy of the interference and control of this country which it should be the first object of their policy to dissipate, by introducing equal and impartial government. He said, equal and impartial government, because he would not admit that the present was a French Government. The noble Lord opposite had dilated upon the circumstance of a M. Lafontaine being a leading member of that Government. He (the Marquess of Lansdowne) did not question M. Lafontaine's ability; he knew nothing against that gentleman's character. He might call into court the noble and learned Lord himself, for he believed that when M. Lafontaine came to England, no person partook more largely than he did of that kindness and hospitality with which the noble and learned Lord opposite (Lord Brougham) was wont to receive illustrious strangers, and which doubtless the noble Lord would not have extended to M. Lafontaine if he had considered him to be an avowed rebel. Such was the sense which M. Lafontaine entertained of the noble and learned Lord's kindness, that he understood that up to the present time—whether it would continue there after this he did not know—but up to the present time, a print of the noble and learned Lord was constantly to be found embellishing the room of M. Lafontaine. But when that gentleman came over to this country, he came not as a convicted rebel, but as a voluntary exile. He (the Marquess of Lansdowne) was informed that M. Lafontaine did not wait for the passing of the Act of Indemnity before he returned to Canada, but that, with a manly confidence in the integrity of his conduct which did him honour, he returned to Canada to abide his fate; and Lord Durham—at that time the Governor of Canada, and who had been mainly instrumental in putting down the rebellion—gave him the same favourable reception he had experienced at the hands of every Governor General since that time. But M. Lafontaine was not the whole Canadian Government. There were now in that Government three gentlemen of French origin; and because, in a country in which the majority of the people were of French descent, there were found three out of ten or twelve members of the Government who were of French descent, his noble and learned Friend had thought himself justified in stigmatising the Government as a French Government, forgetting at the same time that they could not carry on the Government if they were not assisted by them as well as by persons of Anglo-Saxon origin. The same was the case with regard to the Assembly, which, although it was composed principally of Englishmen, contained many persons of French origin; but he was told that if the French members had abstained from voting upon this Bill, there would have been a majority of English members in its favour. This was what was called a French Government; but it was such a Government as—if this country meant to keep Canada—there would continue to be in that colony. It was a Government from which more than half the population were not excluded, but which sought to give them a share of power; for it was only by admitting that population to a share of power that this country could obtain a share of their affection. Hitherto we had not succeeded in our aim; but, nevertheless, he did not believe that the French population of Canada were disaffected to a connexion with this country. On the contrary, he believed that of late they were more and more sensible of the advantages they derived from the protection and influence of this country in the world. More especially did he believe, when his noble and learned Friend (Lord Brougham) dwelt on the danger proceeding from a forgetfulness on the part of the United States as to what would be their real interests, and from their pursuing a policy of aggrandisement and annexation, that, of all the populations inhabiting the continent of America, the French population of Canada were aware that they would gain the least by annexation with the United States. With respect to the question before the House, he was as sensible as any man of the evils which his noble and learned Friend had eloquently depicted as arising out of a tyrant majority, though he did not think that his noble and learned Friend had illustrated that position with his usual accuracy and felicity. His noble and learned Friend had adverted to the circumstance of Mr. Pitt endeavouring to extinguish his great rival, Mr. Fox, in 1804. He (the Marquess of Lansdowne) had too great respect for the memory of Mr. Pitt, and believed him to have been too generous towards a rival, to be capable of ruining him, even if he could do so.

Lord BROUGHAM: I referred to the Westminster scrutiny.

The Marquess of LANSDOWNE: My noble and learned Friend may have referred to a particular event, but his argument was, that it was by the great institutions of the country that Mr. Pitt was prevented from carrying his attempt into effect. I believe that, independent altogether of the powers of these great institutions, public opinion would be at all times too strong in this country to allow of any man being put *hors de combat* in the manner which my noble and learned Friend seems to suppose. I believe that public opinion had thrown around that great man the shield of its protection; and in the same manner I believe that if public opinion had not gone along with what had been called the tyrant majority in Canada, it would at once have stopped this tyrant majority in its progress, and have prevented this Bill from being passed into a law. His noble and learned Friend characterised the Bill as the work of a tyrant majority, inasmuch as it contained in a manner offensive to the feelings of the loyal portion of the inhabitants the principle of indemnity without a sufficient and specific exclusion of those who had committed the crime of high treason. Now, the principle to which his noble and learned Friend objected was first laid down, as appeared by the papers before the House, in a resolution adopted, he believed unanimously, in 1845, in favour of the presentation to the Governor General of an humble address "praying that he would be pleased to cause proper measures to be adopted to insure to the inhabitants" (there was no exclusion) "of that portion of the province formerly called Lower Canada indemnity for the losses incurred during the rebellion of 1837 and 1838." Who drew up that resolution? Not the noble and learned Lord's Frenchmen, not those who now form the Government of Canada, but the other party—that exclusively loyal party, whose feelings, it was now contended, would be hurt by the adoption of the same words, with much stronger exceptions, excluding those who had been convicted of treason or who had confessed their guilt. If the adoption of such a resolution was inconsistent with loyalty to the Sovereign, and with the maintenance of the connexion between the colony and the parent State, yet, although it was notorious that it was carried in 1845, noble and learned Lords, who had their correspondents in Canada at that time, as now, urged not a word of suggestion that the resolution was calculated to weaken that connexion unless it contained exclusions. Those who did not object to that course when then taken, had now no right to say that others, who after a lapse of time imitated it in a limited and less objectionable manner, were to be considered as traitors to the cause of the connexion with England. With his noble Friend near him, he admitted that the Bill might have been more carefully and usefully worded; but would they on a question relating to the wording of a Bill enter upon a course of opposition with their own colony, and withdraw from it that security for its constitution which they had deliberately granted? The noble Lord opposite had called on this House to consider well the vote about to be given to this question; and he (the Marquess of Lansdowne) did hope that the House would well consider the consequences of that vote. Looking back to past history, he had known occasions when that House had been called on to express and record its difference with the other House of Parliament on grave and weighty questions. He had seen other instances in which that House had thought itself called on to reflect with censure on provincial assemblies conducting the business of colonies, according to the opinion of this House, in an improper and mischievous manner. He had seen other occasions in which the House had been called on to censure the conduct of governors of colonies, when coming in collision with the assemblies in connexion with which they had exercised their government; but never until the present moment had he seen that House called on to express offhand an opinion, and to record at once its variance with the House of Commons in England, together with a Colonial Assembly and a Colonial Governor. Though he admitted that there might be occasions affecting imperial interests, on which the governor of a colony might feel himself called on to interpose the suspending authority with which he was invested, yet if a man like Lord Elgin, having been instructed that the occasions were few and rare when such authority ought to be exercised, had, after considering all the circumstances of the case, and exercising his judgment with the view of strengthening the connexion between the colony and the parent State, deliberately come to the conclusion that this was not one of those occasions, and that there was no danger from the passing of the Bill, which had been brought under discussion, he deserved the support and not the opposition of their Lordships.

Lord BROUGHAM said, he should not enter into anything like a reply to arguments which he believed had been answered already. He admitted that the authority of the Home Parliament should be interposed on rare occasions only; but if the present were not a strange and extraordinary occasion, calling for its interposition, when could they expect a more extraordinary one? Were they to wait until a vote of money was granted for the support of a foreign enemy? It was said that people had a right to do what they liked with their own money. He, however, maintained that they had not the right to expend it for illegal purposes or for rewarding rebels. It was said that it was not reward, but only compensation, that was to be given, the meaning of the compensation being that the whole of the 350 rebels, for example, who were taken with arms in their hands, and had their muskets taken from them, might come forward as claimants for compensation. His noble Friend opposite said, it did not follow that they would get it; but he forgot that if the Act of Parliament did not exclude them, the commissioners would have no discretion. His noble Friend (the Earl of St. Germans) said with great simplicity, that highly respectable men would be appointed as commissioners; but how knew they that?—for here again what was called the responsible government would no doubt come in, the majority of Lafontaine, the packed majority of the Legislative Assembly. It was said the word "just" claim would exclude rebels; but this just claim could only be ascertained upon examination, which they were told it was impossible to institute. If the Motion he had submitted was refused—if no interference was to take place on the part of the Crown in this case—then he maintained that no case ever could arise in which such interference could be possible. The noble Marquess had jocularly charged him with having forgotten his sympathies for M. Lafontaine. All he would say of him was, that when he came to this country he was asked to present a petition for him to the House. He rather thought he did present it, but he had not the slightest recollection of having ever seen him. A warrant was issued for his apprehension. He afterwards went to France, and he (Lord Brougham) never saw him again.

EARL GREY did not believe that any warrant was ever sent to this country against M. Lafontaine. Certainly he had never heard of it, and he was perfectly persuaded no such warrant was ever issued against him. This he knew, that, covered by an Act of Indemnity, M. Lafontaine went back to Canada and challenged inquiry. His impression was, that when he was here and had his petition presented, he had the advantage of finding from the noble and learned Lord the greatest possible sympathy for his wrongs and the wrongs of his country.

After a few words from LORD BROUGHAM,

Their Lordships divided:—The numbers were—Content, Present 54; Proxies 42—96: Not-content, Present 46; Proxies 53—99: Majority 3.

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House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, June 19, 1849.

MINUTES.] PUBLIC BILLS.—1° Leasehold Tenure of Lands (Ireland).

PETITIONS PRESENTED. By Mr. Fox Maule, from Glasgow, and a Number of other Places, against, and by Mr.

Divett, from Exeter, in favour of, the Marriages Bill.—By Sir Edward Buxton, from Spitalfields, for the Sunday Trading (Metropolis) Bill.—By Sir R. H. Inglis, from the Clergy of Essex, for an Alteration of the Law respecting Tithes.—By Mr. Hardcastle, from Colchester, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Brotherton, from Dublin, against the Collection of Rates (Dublin) Bill.—By Mr. Cardwell, from Hale, respecting the Lancashire County Expenditure.—By Mr. Marshall, from Leeds, for Repeal of the Duties on Paper, &c.—By Sir Joshua Walmsley, from Clerkenwell, for Reduction of the Public Expenditure, and for Reform of Parliament.—By Mr. Law Hodges, from Goudhurst, for Rating Owners of Tenements in lieu of Occupiers.—By Mr. Pilkington, from Blackburn, for the Bankrupt Laws Consolidation Bill.—By Mr. G. Sandars, from Manchester, for an Alteration of the Law respecting Education.—By Viscount Melgund, from Greenock, against the Lunatics (Scotland) Bill.—By Mr. Robinson, from Poole, for an Alteration of the Poor Law.—From the Easingwold Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Reynolds, from Patrick Regan, Builder, Dublin, for Redress; and from Mullingar, for an Alteration of the Law respecting Spirits (Ireland).—By Sir W. Codrington, from Gloucester, for an Alteration of the Sale of Beer Act.—By Mr. Wilson Patten, from Colne, for an Alteration of the Small Debts Act.—By Mr. Marshall, from Leeds, for the Formation, between the British Government and other Governments of the World respectively, of Treaties by which International Disputes may be decided by Arbitration.

VANCOUVER'S ISLAND.

The EARL of LINCOLN said: Mr. Speaker, I can assure the House that it was with very great regret that I placed upon the Notice-book of this House the Motion which I am about to submit to its consideration. I felt that regret, Sir, not because of any events which have occurred since this question was under discussion last year, or because the papers submitted to this House have in any degree diminished the hostility which I at first entertained with respect to these proceedings; but because I had conceived the hope, after the discussion which took place last year, and after the effect which I think was produced by the speech of my right hon. Friend the Member for the University of Oxford, and after certain declarations—I may almost say, after hopes held out by Members of the Government on days following that discussion—I had hoped, I say, that this, as I think, fatal measure as regards the prosperity of a portion of the dominions of Great Britain, might have been revoked. Sir, I do not know that even now, feeling, as I do, strongly, the culpability of this transaction, I should have been inclined to waste the time of the House by a Motion merely of condemnation, for I am conscious that the time of this House may be more usefully employed than by occupying itself with long debates on bygone transactions; but I hope and believe that the means are still left of preventing what in my conscience I believe to be a great national disaster. I hope that there is still room for repentance in the Colonial Office as far as regards the abandonment of this magnificent colony; I hope, also, if the course the Government have taken can be proved to have been informal, that the House will be enabled to induce the Government to revoke what it has done, and to adopt a very different and a much more satisfactory course with respect to the colonisation of this island. Sir, before entering upon this discussion, I think I need hardly disclaim any hostility to the Hudson's Bay Company, although it will be my duty on this occasion to comment, perhaps severely, on some of the transactions connected with that company. Many of the directors of that company are my personal friends—for all of those gentlemen I entertain sincere respect; but I think that neither I nor any other Member should be prevented on that account from discharging what may be a very painful duty. Sir, I am not actuated by feelings of hostility to this company, nor do I think that this company alone is unfit for the work of colonisation. I think I may be enabled to prove that this company is more especially unfitted for the office than any other; but at the same time I start with this broad and general axiom, that colonisation by absentee proprietary companies has, as far as the great experience of this country has gone, been a failure, and that those colonies alone have been prosperous which have originated under different auspices and been governed on a different system. Sir, in considering the question of colonisation by absentee proprietary companies, we naturally recur to the foundation of those colonies which now constitute the United States of America. The attention of the public has been drawn to this subject by the interesting work published by the hon. and learned Member for Sheffield; and I have no doubt that many Members of this House have not failed to read an equally interesting history of America, by the present Minister of the United States in this country, Mr. Bancroft. Without now discussing the broad axiom of the hon. and learned Member for Sheffield, that all companies are unfit for the work of colonisation, I, at least, start with this proposition, that absentee proprietary companies are totally disqualified. Sir, I think that very erroneous opinions have existed in this House and in the country with respect to the system of colonisation by companies;

and even Members of this House have discussed the question, and have proceeded to argue upon it, as if one uniform system had always prevailed in America. Sir, the first of these colonies established was the colony of Virginia, in 1606. It was founded by a company of noblemen, merchants, and gentlemen resident in London; and I think that those acquainted with the subject will admit, that a fairer example—that an experiment more likely to succeed—could hardly be adduced. The gentlemen composing this company were men of high character, wealth, and intelligence, and were possessed of the means of carrying their objects into effect. But let me read a short extract from Mr. Bancroft's *History of America*, with respect to this colony of Virginia. After detailing what he conceives to be the iniquity of the system of governing these colonies by a company, and after showing the effects of that system through all its branches, he thus sums up his condemnation of it. He says that the influence of a commercial company was so baneful that not even the influence of the King could counteract it. Now, that is the opinion of Mr. Bancroft, himself an ardent republican. Sir, not to weary the House too long with these topics, I may say that this colony of Virginia, in consequence, presented a series of failures; and it was not until after a change in the system that there was improvement. The next instance of an attempt to colonise by means of a company, was the instance of Massachusetts, in 1629. I will not dwell upon the course of events in this colony, as they are almost a copy of the history of the colony of Virginia. Up to the period when the plan entirely failed, different expedients were adopted. Instead, for instance, of the patent being cancelled, it was transferred from London to America—to companies who became the heads of the colony on the spot, and who migrated bodily from London to America. There is another great example, that of the colony of Carolina, established in 1665. Enormous powers were given by this country to the company, but the system failed, and in 1688 the proprietary were dissolved. Then, to take the case of Pennsylvania. That colony was not governed by a company, but by individuals. Penn in himself constituted what I suppose must be called a corporation sole; but the most disastrous effects were suffered so long as he was an absentee. Then, again, there is the colony of New England, administered under a similar system; and I contend, that from these instances, and others that might be adduced from the history of America, it can be shown that these colonies failed, so long as they were administered by companies living in London, and only began to flourish upon their obtaining free institutions, or upon being colonised by parties who resided on the spot. I say that these colonies only began to flourish when, in consequence of the signal failure of the attempt to govern them by companies, the companies were dissolved. Such companies having invariably failed, I think it is fair to say that they are unfit either to rule over or plant colonies; and it stands patent to the House, that if you are to have any superintending power at all—and to some extent you must have such superintendence over your colonies—that power must rest in the Imperial Government, and not be delegated to the instrumentality of any company whatsoever. Of this principle I think I can claim the hon. Gentleman the Under Secretary for the Colonies as a strong supporter; for on the occasion of a Motion last year by the hon. Baronet the Member for Southwark, and on his asking the Government to point out what colonies founded and managed by companies had failed, and in what cases their prosperity had commenced under the benign influence of Downing-street, the hon. Gentleman the Under Secretary for the Colonies instanced especially the case of South Australia. The hon. Gentleman then pointed out, that under the system of government in that colony—not a government, however, be it remembered, by a commercial company, but by a statutory commission—the greatest financial embarrassment had ensued, and that prosperity only commenced when that statutory commission came to an end, and the Colonial Office resumed control. [Mr. HAWES: When their debts were paid.] Yes, I dare say, when their debts were paid; but, in a speech of the hon. Gentleman's, which made a great impression at the time, he contrasted the difference between a colony governed by the Colonial Office and by a proprietary company or commission; and he proved, or endeavoured to prove, that this payment of debts was the result of the transfer to which I allude. With regard to the New Zealand Company, I am most ready to admit that a great debt of public gratitude is due to that body for saving that important territory to this country; for if it had not come forward in the way that it had, New Zealand might now have belonged to another Power. But all that may be said to that is, that if there had not been a company, the management of the colony ought to have been conducted under a department of the Government friendly to colonisation, which could give such encouragement and assistance to the colony as a Government alone could afford. Although there can be no doubt that, in a case like New Zealand, the proper treatment of the colonists by a company, would, in the end, be most advantageous both to the company and the colonists, yet a body of proprietors does not take that view of their interests; and on the principle that corporations have no conscience, I am afraid they will invariably be found desirous of securing the greatest possible amount of present dividend on their shares. And when we are told that the transfer of Vancouver's Island to the Hudson's Bay Company will effect a great saving of public funds, let us recall to mind the sums given in the shape of grants and loans to the South Australian Company; and the sum of, I think, 138,000*l.* given to New Zealand; and I believe that, although some immediate saving to the treasury might be secured with respect to Vancouver's Island, the great probability is that in future years we shall be called on for large sums. To this point, however, I shall have occasion to recur hereafter. I know we may be told that the great burden of the song of many hon. Gentlemen, who have brought forward Motions on colonial subjects, has been the mischievous interference of the Government in the colonies; and it would appear that Lord Grey has on this principle endeavoured to shift the responsibility of the future welfare or misfortune of Vancouver's Island from the Colonial Office to the Hudson's Bay Company. Now we have heard a great deal about the baneful influence of Downing-street; but I am sure that those whose feelings are strongest on this point, will be prepared to admit that, although the influence of Downing-street is bad, when carried to improper limits, yet the benign influence of Fenchurch-street is by far the worst of the two, and is bad *ab initio* and entirely. If, then, the American chartered companies, and the statutory commission of South Australia, were bad, and the New Zealand Company, to a certain extent, was bad, I believe I shall be able to show that of all the colonising companies, the Hudson's Bay Company is by far the worst. The very principles of the Hudson's Bay Company are not only like those of most other companies—commercial, but monopolists—not only absentee, as many others were, but despotic, and, what is more, not only despotic, but secret. I think that not only their conduct in the territories committed to their care under their charter, but the very question, which, as is well known, has been mooted for some time past, namely, the validity of their charter itself, ought to have formed good ground for hesitation on the question of extending their territorial rights. For if it should eventually be proved, either by the decision of a court of law, or by some other mode of arbitration, that the original charter of Charles II. was invalid, it is obvious we cannot give them any further grants of territory. When I say the charter may be bad, I do not dispute that the Sovereign has the right to give grants of land to whom She may choose; but I will not now enter further into this part of the question, because, although I am obliged to touch briefly on this part of the subject, in order to make my case complete for the Motion with which I shall conclude, yet I will not treat of the validity of the charter so fully as I might have done, had not my right hon. Friend the Member for the University of Oxford, this very evening, obtained the priority for an early day in July for a Motion on this very question, regarding the validity of the Hudson's Bay Company's charter. But I said that the point in dispute is not the right of the Crown to confer such a grant, but the extent of the land intended to be conferred by the charter; and it is maintained by many learned lawyers and persons competent to form an opinion on the subject, that the Hudson's Bay Company's claim extends over many hundred thousand miles of land never conferred, or intended to be conferred, by their charter at all. And, further, let it be borne in mind that there were claims of grants on this very territory which, I will not say, were ever fully substantiated; but we have it as an undoubted fact, that the Treaty of Utrecht, to a considerable extent, recognises these claims; and if it can be proved that France had a legal claim to these lands at the time of the original grant to the Hudson's Bay Company, clearly what was not in the possession of the grantor cannot be transferred to the grantee. These questions were raised by an opposing company—the North West Company, and by men who are now members of the Hudson's Bay Company, who, although they now stoutly maintain the validity of the charter, only a few years ago, and before they had joined the company, declared all the rights and privileges of this company invalid; and why were these questions not decided by law at the time, and why were they compromised? I may mention also that the company's right of exclusive trade is under dispute, it being maintained that Parliament alone, and not the Crown, can confer the exclusive rights of trade; and the Hudson's Bay Company itself had given the strongest confirmation to these doubts by its own conduct. In 1790, and the subsequent year, when it came to Parliament for an Act to confirm it in perpetuity in the privileges originally granted by Charles II., this House, on the third reading, limited the grant to ten years; and the House of Lords, after mature deliberation, reduced it further to seven years. At the expiration of the seven years, the company applied for the renewal of their Act; but the feeling in this House, at the time, was such that the company did not persevere with its application; and from 1797 down to the present time, feeling the doubtful character of its rights, it had never again dared to come before Parliament. I say, then, that of course no lapse of time can make its rights valid now, if they were not valid at their commencement. Having touched but lightly on this part of the question, affecting a vast and important tract of territory, because it will be brought before us on a subsequent occasion, I now come to the conduct of the Hudson's Bay Company, as regards those parts of territory committed to their charge, and with respect to which there is no question as to the validity of their rights and privileges. I mean, of course, the exclusive right to trade possessed by them under two Acts of Parliament, in those districts west of the Rocky Mountains; and I will endeavour to show the impropriety of confiding the colonisation of Vancouver's Island to this company, from its antecedent history, and the probable consequences that are likely to ensue if that island is handed over to such a corporation. I will pass over the non-fulfilment by the company of its duty respecting the discovery of the North-west passage, and also the charge against it for shutting up the fields of colonisation in the territory west of the Rocky Mountains; and I will ask how far is the Hudson's Bay Company qualified by its nature for colonising a district larger, I believe, than Great Britain? for such is, I apprehend, the extent of Vancouver's Island. When this question was brought before the House last year, many instances of maladministration, as affecting the interests of the natives and colonists in the districts under the company, were stated by my right hon. Friend, many of which were denied, and others declared incapable of substantiation. Although I did not believe any answer that might be made to these charges would lessen my hostility to colonisation under the auspicies of such bodies as the Hudson's Bay Company in the abstract, still I did not feel at liberty to reopen questions affecting the company's past conduct until it had an opportunity of laying its case before the House, and until such answers as could be given to the charges should be printed and circulated. But I am bound to say, having waited for the production of these papers, and read most carefully the whole of those which have been laid on the table in the course of last month, that I do perceive in all the answers attempted to be given a generality and vagueness in the mode of defence that do not by any means carry conviction to my mind as respects many of the charges, although I have the highest respect for Sir John Pelly, the chairman of the company. Some of the grossest of the charges were admitted by the chairman himself; and what principally have the charges been? They were charged to a great extent with having not only entirely neglected the religious instruction of the population under their control, but with having to a certain extent encouraged the sale and consumption of spirituous liquors among the natives; and, further, they were charged with having, by shutting out all other traders and merchants who navigate the seas, not only charged whatever price they pleased for the commodities in which they traded, but with being in the practice of giving a most inadequate and unfair payment to the Indians—far below the value, and far below what was paid where the trade was open and not subject to monopoly—from whom they obtain their articles of commerce. Another, and a very grave charge was, that not only had cases of murder frequently occurred, perpetrated by the servants of the company on the Indians, but that, contrary to law, although, perhaps, with a form of trial, two or three cases of capital executions had taken place within the territory. With regard to the first charge, in the *Life of Thomas Simpson*, an agent of the company, published in 1845, it is stated that in the establishments on the outskirts of Canada—parts to a great extent where commerce was free, and the Indians were able to meet a fair market for the articles they procured—the permanent prices offered were from two to tenfold greater than where the trade was exclusive. I will not refer at length to the papers, but they do not give a satisfactory answer to this charge. The question as to the sale of spirits affects the moral condition, and indeed the very existence, of the aboriginal population; and this is confessed throughout all the papers by the company, by their attempts to prove that the sale of intoxicating liquors does not exist, and that they have done all in their power to suppress it, and practically that to a material extent it is suppressed. The House will recollect the exertions made by the late Mr. Wilberforce to check the sale of spirits among the aborigines of some of our colonial possessions; and it was found at that time that there was a possibility of checking their sale. We may dismiss from our minds the apprehensions sought to be excited by the Hudson's Bay Company, that it is necessary to maintain their monopoly if we would preserve a control over the introduction of spirits among the natives, and prevent their becoming wholly corrupted and vitiated. With regard to the North West Company, the great exertions promoted by Mr. Wilberforce reduced the consumption from 50,000 to 10,000 gallons annually, within the territories under their control; and will anybody attempt to persuade the House that the Hudson's Bay Company had not the means of checking this evil if they were inclined to do so? The Parliamentary papers, however, show that in 1837 the consumption of spirits in the Hudson's Bay Company's territories very little exceeded 3,000 gallons; and in 1847, only ten years afterwards, with a diminishing population of aborigines, and the number of the company's servants remaining stationary, the consumption in these districts had increased from 3,000 to 9,000 gallons, or three times the former annual consumption. But when the company deny these things, let us call some of their own servants to tell us their experience. They are in the habit of procuring their subordinate officers from the Orkney Islands; and a series of questions on various points connected with the company's transactions were put to five of these men who had left their service and returned home to the Orkney Islands. One of them had been eight, another fifteen, two others eleven, and the fifth six years in the company's service. This, amongst other questions, was put to them—

> "Are intoxicating liquors supplied in any part of the country, and where?"

The answers by the five men severally, were—

> "1. Intoxicating liquors were supplied to the Indians at all the places where I was. 2. All but the Mandan Indians were desirous to obtain intoxicating liquors, and the company supply them with it freely. 3. At Jack River, I saw spirits given in exchange for furs. 4. At York-factory and at Oxford-house. 5. At Norway-house only."

Next, with regard to another most important point, they were charged with having, in contravention of the stipulations in their license to trade, omitted to take care of the religious instruction and education of the natives and colonists. I shall confine myself entirely, in any instances that I may quote, to what was charged as having existed within very recent dates; but it must be borne in mind that very grave charges have often been made against the company of habitual neglect of these important duties at all other times than those when they were seeking for fresh powers or new privileges—that the mere semblance was put on of attention to the religious instruction of the population, or to the suppression of the sale of spirits, or to other circumstances—that although to neglect these duties was the general rule, yet, strange to say, the exception to this normal course of neglect was made precisely at those periods when the company had to come either to this House or to the Executive to ask for enlarged powers; and then, on the plea of their attention to these duties, having obtained the renewal or an increase of their powers, they again reverted to their former habits, and neglected their duties. Well, Sir, as regards the neglect of the duties of attending to the religious instruction and education of the natives especially, and of the colonists also, I regret to say I must now reflect in a certain degree on the peculiar line that Sir John Pelly has taken in these communications. In one of the papers laid on the table, he distinctly repudiates this as one of the duties of the company. At page 30, he says—

> "The Hudson's Bay Company, when they received a license of exclusive trade from Her Majesty's Government, entered into no engagement

to convert the heathen. That is the purpose for which missionary societies are established, and it is their peculiar province. All that the company profess to do—and that is no unimportant service—is to prepare the way for the missionary, and to assist him, as far as their means permit, in the prosecution of his labours; and they flatter themselves they have not been altogether unsuccessful in the attainment of this object."

But this language, repudiating this important duty, is sadly at variance with what he has himself said on former occasions, when there was a question of enlarged powers, and when he was applying for privileges that were subsequently conferred. This is his language at that time (1830) to Lord Glenelg, at page 68:—

> "By the report of Mr. Simpson, your Lordship will likewise see what has been done up to the present time, in reference to the native population, in accordance with the benevolent provisions contained in the license of exclusive trade under which the Hudson's Bay Company conduct that part of their business situated beyond the limits of the territories they hold under their charter."

On that occasion, therefore, so far from repudiating the duty, he admits it to be incumbent on the company by the charter it had obtained. And this is not all; for, in a subsequent paper, he also admits this to be an imperative duty. Writing a letter to the hon. Gentleman opposite, the Under Secretary to the Colonies, dated the 24th of October, 1846, he says— [The noble Lord here read the letter in question, which was to the effect that the writer considered it would be a superfluous task to enter into the details that rendered the colonisation of Vancouver's Island a subject of great importance. He would only submit whether that object, embracing, as he trusted it would, the civilisation and conversion to Christianity of the population, might not be best attained through the Hudson's Bay Company. The noble Lord then continued]— So Sir John Pelly submits to Lord Grey whether the christianisation and civilisation of the natives may not be most satisfactorily achieved by that company, with respect to which he elsewhere declares, as the chief representative of that corporation, that these objects form no part of its duties, but belong exclusively to the labours of the missionaries! I now come to the further point, where cases of atrocity are charged against the Hudson Bay Company's servants—where they are accused of having inflicted capital punishment contrary to the law. I find amongst the papers in this book, a letter addressed by the Rev. Mr. Beaver to the Aborigines' Society, about the middle of the summer of 1836. He says—

> "About the middle of the summer, 1836, and shortly before my arrival at Fort Vancouver, six Indians were wantonly and gratuitously murdered by a party of trappers and sailors, who landed for the purpose from one of the company's vessels, on the coast somewhere between the mouth of the river Columbia and the confines of California. Having on a former occasion read the particulars of this horrid massacre as I received them from an eye-witness, before a meeting of the Aborigines' Society, I will not repeat them. To my certain knowledge, the circumstance was brought officially before the authorities of Vancouver, by whom no notice was taken of it; and the same party of trappers, with the same leader, one of the most infamous murderers of a murderous fraternity, is annually sent to the same vicinity to perform if they please other equally tragic scenes. God alone knows how many red men's lives have been sacrificed by them since the time of which I have been speaking. He also knows that I speak the conviction of my mind, and may He forgive me if I speak unadvisedly, when I state my firm belief that the life of an Indian was never yet, by a trapper, put in competition with a beaver's skin! The very way in which the aborigines are spoken of by the trappers, and leaders of trapping parties, goes far to prove the correctness of my assertion. 'Those d——d,' 'those rascally,' 'those treacherous Indians,' are the unmerited appellations by which the race is universally designated."

Since writing the above, he adds at the end of his communication—

> "I have learned from good authority, that in the month of August, 1840, an Indian was hanged near the mouth of the Columbia river, and several others shot, and their village set on fire by a party in the employment of the Hudson's Bay Company, under the command of Chief-factor M'Laughlin, who led them from Fort Vancouver, thus indiscriminately to revenge the death of a man who lost his life in an affray whilst curing salmon."

I do not know what reason there may be for it, except that they find the testimony is adverse to them; but though the evidence of missionaries and of their own servants is quoted, we find their statements are invariably met by the declaration that they are unworthy of credit. Although some of the persons are actually in their own service at this moment, we find the parties are declared to be unworthy of credit. Perhaps, however, Lieutenant Chappell may be considered an impartial witness. He (Lieutenant Chappell), in his *Voyage to Hudson's Bay in Her Majesty's ship Rosamond*, makes the following statement with respect to the murder of an Indian:—

> "As he became exceedingly troublesome, the settlers held a conference as to the most eligible mode of getting rid of him; and it being deemed good policy to deter the natives from similar of-

> fences, by making an example, they accordingly shot the poor maniac in cold blood, without having given themselves the trouble to ascertain whether he was really guilty or innocent."

Now, Sir, I admit that those instances of barbarity on the part of the company's servants, happening, as they do, in a large tract of wild country, may occur without blame to the company or to the authorities in that country or here, if there was not an attempt on the part of the company or their officers to deny their existence, and, as far as they can, to shield the culprits. If, instead of denying them, they tried to investigate the truth of the charges, and to punish the guilty, I would say the charges reflected in no way on the Hudson's Bay Company themselves. I should only consider, as in the case of a private individual under similar circumstances, that they laboured under the misfortune of being served by iniquitous servants, and though it brought discredit on them, it could amount to nothing but what they might easily wash out by punishing the culprits; but in the Parliamentary papers, on coming to the statement submitted to the Secretary of State by Sir John Pelly, I find the assertion, not only of the necessity, but also of the right, to execute capital punishment on those who infringe the laws in that district. In page 28 of those papers, I find this statement:—

> "The acts described (at page 13) as atrocious murders were merely acts done in self-defence by a party of the company's servants, who were wantonly attacked by the natives. That such was the real character of these acts, Mr. Beaver appears to have had some suspicion, from his having entered a caveat against the plea of self-defence being used to justify the killing of a native."

And then comes what is most important, and to which I wish to call the attention of the House:—

> "The hanging, shooting, and burning so circumstantially described in the concluding paragraph of the letter alluded to, which Mr. Beaver states from good authority took place in 1840, when stripped of exaggeration, amounts to this, that an Indian who had murdered one of the company's servants while asleep, and afterwards robbed him, was given to him by his chief, brought to trial, found guilty, and hanged, after confessing the crime."

If that took place where a proper tribunal existed, there would be a complete defence, and a complete answer to the charge that has been made; but it is not only a great dereliction of duty, but an infringement of the Act of Parliament; and this, let it be borne in mind, admitted by the chairman of the company himself, in a letter to the Secretary of State. In page 33 of those papers, I find this extract, also produced by the chairman of the company in their defence. It is taken from Commodore Wilkes' *Narrative of the United States Exploring Expedition:*—

> "The Indians of this region even now make war upon each other on the most trivial occasion, and for the most part to satisfy individual revenge. The Hudson's Bay Company's officers possess and exert a most salutary influence, endeavouring to preserve peace at all hazards. It is now quite safe for a white man to pass in any direction through the part of the country where their posts are; and in case of accident to any white settler, a war party is at once organised, and the offender is hunted up. About a year previous to our arrival, an Indian was executed at Astoria for the murder of a white man, whom he had found asleep, killed, and stolen his property. He was then taken, tried, and found guilty, and executed in the presence of most of the settlers."

I have still further authority on this matter. In a very instructive work, published by the acting governor, I think he is called, of the Hudson's Bay Company, Sir George Simpson, I find this statement:—

> "In the absence of any other means of obtaining redress, our people had recourse to the law of Moses, which, after the loss of several lives on the side of the natives, brought the savages to their senses, while the steamer's mysterious and rapid movements speedily completed their subjugation. In fact, whether in matters of life and death or of petty thefts, the rule of retaliation is the only standard of equity which the tribes on this coast are capable of appreciating."

I confess it was with much regret I found such passages in Sir George Simpson's book, justifying to a great extent those charges of the want of morality and feeling that exist amongst the company's servants. If that passage could be gravely penned by Sir George Simpson, I fear we may believe that the company's servants act in the way it is stated. I will now come to the illegality of those proceedings. If those Indians, or any other of the inhabitants, committed the crime of murder, it is perfectly right, if a sufficient tribunal existed there, that they should be tried, and such sentence passed on them as the laws of the country allow. But I find by the provisions of the Statute 1 and 2 George IV., cap. 66, clause 12, that although the power is given to the company's magistrates to adjudicate upon all civil cases under 200*l.*; yet that by this clause all civil cases exceeding 200*l.*, and all criminal cases whatever, are ordered to be transferred from this territory to the Canadian courts, there to be adjudicated upon; and will it be believed that with this distinct

Act of Parliament existing, and which is known to exist—for it has been under the consideration of the Hudson's Bay Company and of the Government, and it is intended to repeal the Act of Parliament, and constitute within the territory sufficient tribunals to deal with those cases as well as others—will it, I say, be believed that with this Act existing, the chairman of the company, addressing the Secretary of State, has endeavoured to justify the acts that have taken place in this district, by stating that those parties have been executed within the territory for the crime of murder? This provision is a most important provision, as affecting the liberties and lives of persons resident within that great and extensive district. It is notorious that this provision in the Act has been set at nought, and that from the passing of the 1 and 2 George IV. to the present time, not one case has been transferred to the Canadian courts. I have referred incidentally to the fact, that it has been promised by the noble Lord at the head of the Colonial Office, that this provision of the Act of Parliament shall be repealed, and that proper tribunals for the due administration of the law will be established in those districts. That pledge having been given, and the hon. Gentleman opposite having, in answer to a question from my right hon. Friend the Member for the University of Oxford, put before Easter, assured us that this Bill would be brought in before Easter, though we have never heard of it since—I trust I may conclude the reason is this, that it is still considered that the question of the colonisation of Vancouver's Island is still open. If my Motion should be defeated, or the result should be to prove the invalidity of the charter now granted, I hope that in either of those cases the Government will fulfil the pledge they have made; and though a Bill has not yet been introduced, the Session will not be allowed to pass without its introduction, and, at the same time, that the House shall have a fair opportunity of discussing such important transactions. There have also been complaints from the colonists, and I doubt if the opinions of the colonists do not bear more strongly on the question before the House, namely, the fitness of the company to colonise Vancouver's Island, though as there are numerous natives in Vancouver's Island, their treatment is also an important consideration. It must be borne in mind, that there are only two settlements in which the inhabitants can be by any means called colonists in this district. One of them is the Red River settlement, which was not formed by the Hudson's Bay Company. On the contrary, it was discountenanced by them in every way, and they have shown little favour to it, either in the way of encouraging fresh emigration to it, or by giving to the persons already established there such rights and privileges as would make them free, independent, and comfortable settlers on the British soil. Very serious charges have been made, proving, if the case be substantiated, that it is perfectly impossible that the colonists in that settlement can live in any degree of security—I mean security as regards their property under such a system. I allude, in the first place, to the charge that is made, that this company, having the exclusive right of trading over this district, and of preventing the influx or efflux of any goods except in their own ships, or, perhaps more correctly speaking, I should say, except in their annual ship, they charge to those colonists such enormous freights that they prevent the possibility of anything like a fair trade being carried on in those colonies, increasing to a frightful extent the evils that are inherent in their system of monopoly. I spoke just now of their annual ship, but I am not sure whether the annual ship has not been multiplied into two ships; but it is only allowed, I believe, to those unhappy colonists to trade once a year, and persons only who are licensed by the Hudson's Bay Company can carry on a trade through the instrumentality of their ships or agents at all. Then there is another most important complaint made by those settlers, and one that has an especial bearing on the colonisation of Vancouver's Island. I regret to see the departure of the hon. and learned Gentleman the Attorney General, for I saw him take some notes of a part of my statement. He having notes not immediately affecting the legal question, I would be anxious to draw his attention to this particular part of the case. I find in page 45 of the papers—the last papers presented, a copy of the land deed, which every colonist of the Red River is obliged to sign before he can enter into possession. I will not go through the whole of it, but really I think in these days of enlightenment upon subjects affecting the tenure of land, and the relations of the governors and the governed, I have a right to complain of this iniquitous document. I shall not go through details, but I ask the hon. and learned Gentleman to read it over, and I shall be ready to abide by his opinion. If he will show me that this is a document that any person in any country is justified in calling upon a settler to sign for the privilege of holding the land he has bought in the colony, I will at once waive the whole question. I am sure that the hon. and learned Gentleman's opinion will be, that this land deed ought to be cancelled at once, and the persons who may be deluded to go to Vancouver's Island should not be bound by such a document. It treats the persons who hold land under the company as mere serfs and slaves, even more so than the unfortunate Indians, who are affected by their regulations as regards trade; and while even this single charge remains unanswered—and answered it cannot be, for here is the document—it is enough to prove that the Hudson's Bay Company, in its essence and by its constitution, is utterly unfitted to be entrusted with any operation of colonisation. Now, with regard to trade, I will revert for one moment to that part of the subject to see how the parties have been treated who dissented from the arbitrary regulations of the company. Unless my memory fails me, my right hon. Friend the Member for the University of Oxford on a former occasion read a letter addressed by the agent of the company to Mr. James Simpson. Mr. James Simpson having made use of the unhappy annual ship, complained of the exorbitant demands of the company; and, finding that his complaint and the complaints of his brother settlers were not attended to, he had the boldness to complain to that tribunal to which he thought he had a right to appeal, namely, the Executive of this country. The consequence was, that this respectable gentleman, as I am told he is, received a letter from the agent of the company, informing him in curt and dry terms, that no goods should again be shipped on his account. I ask, will this House tolerate that a system of monopoly should be exercised in such an arbitrary way, utterly destroying the trade and property of those living under this company, or that the fact of making an appeal to the Secretary of State for an inquiry into an accusation made by a settler should be punished in this way? No other reason can be assigned—no other reason has been assigned—for debarring him from the use of the company's ship. There is another complaint that comes more home to the feelings of Englishmen. It seems the company claim a right—I will not say a right, for no such right can exist—they claim the privilege of an arbitrary, and, as I maintain, an illegal taxation. Recollect that the state in which the Red River settlers are kept is the state to which you are about to commit those who, if they are so unwise as to go there at all, will be the colonists of Vancouver's Island. I see the right hon. Gentleman opposite shake his head, and probably that has reference to the free constitution granted to them; but can I better show, than by referring to the Red River settlers, what the condition of the settlers of Vancouver's Island is likely to be? And I cannot better show what the condition of the Red River settlers is than by reading a passage from a work published by one of the company's own servants, to whom I have already referred. I have endeavoured to discard all evidence which may be doubted, and to cite as much as possible the evidence of those connected with the company. I take this extract from the life of Mr. Thomas Simpson, and this is a letter addressed to his brother. He says—

> "You can have no idea of the curious position the company holds here. The land of the colony and the right of the government is Lord Selkirk's, by grant from the company, and until 1826, the executors of the late Earl had a separate establishment, with a governor of their own; but since then, their affairs have been managed exclusively by the Hudson's Bay Company; the Hudson's Bay factor has been their governor, and the Hudson's Bay fort their place of business; but they sell the land at 12*s.* 6*d.* per acre, and pocket the money—a very cheap and convenient method, you will say. It is true they keep about a score of policemen in pay; but this force is a mere nonentity, and the Hudson's Bay Company have virtually to act as judge, jury, and gaoler in his Lordship's colony. The only good thing I see in the matter is, that they give me a salary of 25*l.* for keeping their accounts."

When this question was under discussion before, and when in the course of last Session I asked a question of the noble Lord at the head of the Government, and of the hon. Gentleman opposite, I was told that, as regards the charges made against the company, the whole investigation of them had been referred to my noble Friend the Governor General of Canada; and it was subsequently stated by the hon. Gentleman, I believe in his speech in August last, that a further reference had been made to the deputy governor of the company at the Red River settlement. Well, Sir, that reference was made to Lord

Elgin; and I must say that Lord Elgin having, as he was sure to do, devoted as much attention as he could to the subject, has given, as he was also sure to do, a very fair and impartial statement of the impressions he has received from those with whom he conversed. In order not to be quoting unfairly, with the permission of the House, I will quote, in the first instance, those passages of Lord Elgin's reply, in which he exculpates the Hudson's Bay Company:—

"I have had the honour to receive your despatch of the 30th March, covering the copy of a further letter from Mr. Isbister, on the subject of certain allegations of hardship and maladministration preferred against the Hudson's Bay Company, and referring me to your despatch, No. 79, of June, 1847, in which you instructed me to adopt such measures as might be practicable for instituting an examination into these charges. The subject of these communications has not failed to engage my attention; but the territory in question is so distant, so little intercourse takes place between it and Canada, and the jurisdiction of the company is so peculiar, that it is by no means easy for me to obtain so perfect a knowledge of their proceedings as would enable me to furnish such a report as your Lordship requires. 2. I am bound, however, to state that the result of the inquiries which I have hitherto made is highly favourable to the company, and that it has left on my mind the impression that the authority which they exercise over the vast and inhospitable region subject to their jurisdiction is, on the whole, very advantageous to the Indians. From Colonel Crofton [I beg to call attention to this name, for I shall have to comment upon Colonel Crofton's statement presently], who resided for a considerable period at Red River, in command of a detachment of troops, I derived much valuable information with respect to their system of administration. More especially, it would appear to be a settled principle of their policy to discountenance the use of ardent spirits. It is, indeed, possible that the progress of the Indians towards civilisation may not correspond with the expectations of some of those who are interested in their welfare. But disappointments of this nature are experienced, I fear, in other quarters as well as in the territories of the Hudson's Bay Company; and persons to whom the trading privileges of the company are obnoxious may be tempted to ascribe to their rule the existence of evils which it is altogether beyond their power to remedy. There is too much reason to fear, that if the trade were thrown open, and the Indians left to the mercy of the adventurers who might chance to engage in it, their condition would be greatly deteriorated. 3. At the same time I think it is to be regretted that a jurisdiction so extensive and peculiar, exercised by British subjects at such a distance, and so far beyond the control of public opinion, should be so entirely removed from the surveillance of Her Majesty's Government. The evil arising from this state of things is forcibly illustrated in the present instance by the difficulty which I experience in obtaining materials for a full and satisfactory report on the charges which your Lordship has referred to me. It were very desirable, if abuses do exist, that Government possessed the means of probing them to the bottom; and, on the other hand, it seems to be hard on the company, if the imputations cast upon them be unfounded, that Government, which undertakes the investigation, should not have the power of acquitting them on testimony more unexceptionable than any which is at present procurable."

Now, I think, Sir, as regards the answer of Lord Elgin, I may fairly say that every accusation made against the Hudson's Bay Company stands now in reality as it stood before, with this additional circumstance, that the result of Lord Elgin's inquiry, and his own observation in a contiguous country, has been this conclusion, that unlimited and arbitrary power is mischievous, and that it would be desirable that the Government and Legislature of this country should have a more wholesome control over it, and, above all, that the check of public opinion should be introduced—a check which at present is totally excluded by the Hudson's Bay Company. Another officer, to whose opinion reference is made, is Major Caldwell. I am not going to complain, under the circumstances represented by Lord Elgin, as to the extreme difficulty of obtaining information, that he resorted to Major Caldwell or the other parties to whom he had referred—they were perhaps the most impartial persons to whom he could refer without issuing a commission; but at the same time it should be borne in mind that Major Caldwell is an officer of the company, and holds an important situation under them. However, as regards him, we stand in this peculiar position at the present moment. It was stated by the hon. Gentleman last year, that reference was made to Major Caldwell; but Major Caldwell's report does not appear on the table. On the contrary, Lord Grey says he does not think it necessary to wait for the answer of Major Caldwell. I regret that has been his determination; but at the same time I feel that, placed in the particular situation Major Caldwell was, it may be fairer to him, as an individual, that no such report should be demanded of him, or that no such report implicating his employers should be made by him. Lord Grey had determined not to wait for Major Caldwell's report; but application had been also made to two military officers who were quartered with a small body of troops at the Red River settlement, under the arrangements made when the Oregon treaty was under discussion. The officers are Major Griffiths and Colonel Crofton, and I can have no objection to urge against those gallant gentlemen. They are British officers, and are, no doubt, honourable men; and I will not follow the example of the Hudson's Bay Company, and impute interested motives to every witness whose testimony does not tally with my own opinions. I will not refer to the circumstances in which those gallant gentlemen were placed, because I do not think they tend to impugn their testimony beyond showing that they had not the means of giving accurate information. I understand that one of them is a member of the council under the Hudson's Bay Company, and the other is said to have aspired to a more intimate connexion with the company; but I am ready to take their reports precisely as they are presented. I will gladly take their evidence—I mean their personal testimony; but as to their hearsay evidence, it is of no more importance coming from them than if it came from the the hon. Gentleman opposite, or any other Gentleman. Be it always borne in mind what were the means of forming an opinion which those gentlemen had. They were quartered on the mere outskirts of this vast territory, consisting of 4,000,000 square miles—larger than the whole of Europe; and will any one pretend to say that a military officer quartered for a short time on the outskirts of this enormous continent, could be able to form an accurate opinion with regard to charges which extend not only over the whole territorial possessions of the Hudson's Bay Company, but over those districts westward of the Rocky Mountains in which they have the exclusive privilege of trade. In page 102, I find that Colonel Crofton says—

> "I can most distinctly pronounce this charge to be utterly false [that is, the charge of giving spirits]. Spirits have not, for some years, been sold or given to Indians, and very heavy fines are inflicted even for the very slightest deviation from the rigid regulations of the Hudson's Bay Company forbidding spirits in any form and any pretence, to be sold or given to Indians. Indeed, the more certainly to secure the observance of these regulations in distant districts, the Hudson's Bay Company deny their officers, and all under them, a supply of spirits for their own use, and even the Scotch settlers at Red River are prohibited from distilling or importing spirits; and the issue of spirits from the Hudson's Bay Company's stores is restricted to a very small quantity annually at Christmas, or on the occasion of marriages, issued as 'regal.'"

This is Major Griffiths' answer with respect to the same charge. Major Griffiths says—

> "The company had, in a very liberal, but although perhaps mistaken spirit, permitted some of those very grumblers to import spirits into the colony from America, a system which had a most pernicious effect during the stay of Her Majesty's troops at the station, and which I assisted in getting repealed, in my place in council, previous to our departure."

Both these gentlemen, attempting to defend the company, contradict each other; and both of them, to a material extent, prove the charges which they were mutually attempting to deny. Now, having shown how much these gentlemen are at variance with each other, let me show how much they are at variance with the company itself. At page 24, I find this statement made on behalf of the company:—

> "At a few of the company's posts near Red River, small quantities of spirits are occasionally given as presents to the natives who frequent those posts."

Major Griffiths having expressly said that they forbade the use of spirits altogether, the company, on the other hand, stating that they gave them as presents. They go on to say—

> "The company have been compelled to adopt this expedient in self-defence, there being no alternative but to surrender the trade in that quarter entirely to American interlopers and their confederates—the leaders of the half-breeds at Red River settlement, who barter spirits for furs in their clandestine dealings with the natives. This is an example of the effects of competition, and it may serve to convey an idea, though a very imperfect one, of what would result were the whole of the company's territories equally accessible to adventurers of every description, having no stake in the country, and outbidding one another in the scramble for furs. Rum would become the universal medium of exchange with the natives, and the most liberal distributor would carry off the prize."

Another grave charge which has been made against the Hudson's Bay Company is, that from circumstances more or less under the control of that company, the aboriginal population had greatly decreased. This charge is contained in a statement made by one of the American missionaries, W. Parker, whose name is well known to persons who have taken any interest in this subject. He states that he had found the Indian population in the lower countries to be much less than he expected to have found them; and he states that in his opinion the decrease of the population is mainly to be attributed to the excessive use of ardent spirits. Major Griffiths, in dealing with this subject, says:—

> "So far from extermination of the Indians going on, I am able to state that the contrary is the truth. I saw at Red River a census of the

> Indian tribes, taken at several periods, for the sole purpose of regulating the supply of goods for their use from England, and I noticed that the tribes have gradually been increasing since the union of the North-West with the Hudson's Bay Company, and since the rigid prohibition placed on the sale or barter of spirits."

But here is a proof of the utter valuelessness of the testimony of this gentleman. He has evidently written, in this instance, of what he knew nothing about. He has argued from certain statistical tables shown him at the Red River settlement, and he has endeavoured to prove that because the census seen by him at that settlement of the population, as shown upon the trading lists of the Hudson's Bay Company, showed a greater number of individuals with whom the company traded than before the union of the North-western province, therefore the population has increased. I admit that *primâ facie* there is some ground for such a conclusion. But what are the real facts of the case? Since the union of the North-west province, the dormant energies of vast masses of the people have been awakened, new districts have been opened up, and whole tribes, whose names were not even known before, have been brought into contact with the company, and are placed upon their trading list. In some papers laid upon the table of this House, from the Colonial Office, at the beginning of the present Session, there would be found a list of native tribes, one-half at least of the population of which was utterly unknown to the Hudson's Bay Company at the time to which Colonel Crofton referred. I am also prepared to show from the document from which that gentleman took his argument, that the number of tribes with whom trade is carried on, has been at least doubled since the union of the North-western province. Another charge which has been made against the company is the great want of the means of religious instruction afforded by the company to the inhabitants of their territory. How does Colonel Crofton deal with that part of the case? He makes a bold statement, like some others contained in his replies. He says—

> "The fullest refutation of this charge is to be found in the fact, which I here attest, that in Red River Colony there is a large and most flourishing settlement of Protestant converted Indians, and very many converts also to the Roman Catholic Church at Red River Colony, at White Horse Plains, and at the Wabasinung missions. I would refer to the published visit of the Bishop of Montreal, which was printed in 1846, for ample testimony to the exertions of the Hudson's Bay Company for the christianisation of the Indians. The missions at Red River, Norway House, Beaver Creek, Brandon House, Cumberland, &c., afford proof that the Hudson's Bay Company is not inattentive to the religious wants of the territory."

Major Griffiths is still more bold in his statement. He says—

> "This charge is most unfounded. The company have religious establishments, Catholic as well as Protestant, presided over by bishops and other clergymen, in every part of their vast territories."

Why, really one would believe, from the statements of these gentlemen, that there were wealthy church establishments existing throughout the whole of the territory of the company, and that we found there numerous ministers of all denominations, Protestants, Catholics, and Dissenters. The monstrous absurdity of such a statement was sufficient to refute itself. Colonel Crofton said he would refer to the published visit of the Bishop of Montreal. I will do so too. I find, then, in the Bishop of Montreal's charge, at page 163, this statement:—

> "I am as much convinced that it is the duty of the English Government to plant and perpetuate the Church, according to her full organisation, and to provide standing institutions for training a local body of clergy in the distant dominions of the empire, as that it is the duty of a father to see to the religious interests of his family; and whatever may be the issue of the Oregon boundary question, there is a large accountability of this kind in the region for which I am pleading. There is not one clergyman of the Church of England on the further side of the Rocky Mountains."

[Mr. HAWES: Hear, hear!] The hon. Gentleman the Under Secretary of State for the Colonies cheers too soon. He seems to imagine that because there are none on the other side of the Rocky Mountains, that there may be some scattered over the other portions of the territory of the company. He will see that he is mistaken in that supposition. That is a district over which the company have exclusive rights of trade, but no territorial rights of possession. We now come to the district over which they have territorial possession. I still quote from the Bishop of Montreal's journal:—

> "The Hudson's Bay Company did at one time maintain a chaplain at Fort Vancouver; they have ceased to do so. Within their own proper territories they have one, namely, at the Red River, so that in Hudson's Bay itself there is none."

That is the statement of the Bishop of Montreal on the subject, and that is the statement which Colonel Crofton quoted in his answer to this complaint made against the company, as giving ample testimony to the exertions of the Hudson's Bay Company for the christianisation of the Indians. It may, perhaps, be said that religious instruction is not necessarily and solely confined to the Established Church. I regret that the Church of England has not had facilities given to it by the company for affording religious instruction to the natives; but I should still rejoice to hear that, in default of their exertions, the Wesleyans or any other religious body had been enabled to afford religious instruction to the natives. But such is not the case. What is the statement of that exemplary body—the Wesleyans—who send their missionaries to every part of the world, and who are not easily deterred by the hardships or opposition which any body of men may place in their way? How many Wesleyan missionaries are there in the whole of this company's territories? In the year 1843 there were six Wesleyan missionaries in the whole of the territory of the company; from 1844 to 1846 the number had been reduced to five; in 1847 there were four; in 1848 only three; and at the present moment they were reduced to two; and one of these is an Indian assistant missionary. So that there is only, in fact, one regular Wesleyan missionary in the whole of the territory of the company. There is one clergyman of the Church of England, and one Wesleyan missionary throughout the whole of this enormous continent! With regard to the state of education, I will quote a work of the acting governor of the colony, Sir George Simpson's account of his *Journey round the World.* At page 54 of that work, I find these words:—

> "The charges of religion are defrayed partly by the Hudson's Bay Company and partly by the Church Missionary Society, the flocks neither paying their tithes nor wholly maintaining the sacred fabrics. As to the charges of education, four-fifths of them fall on the pious and charitable associations, while the remaining fifth is borne"—

by whom?—not by the Hudson's Bay Company, but—

> "by such individual parents as are able and willing to spare 15*s.* a year for the moral and intellectual culture of a child."

So that in the whole of the Hudson's Bay territory I have the evidence, from the mouths of the most unexceptionable witnesses, that there is one Church and one Wesleyan missionary; and with respect to education, not one farthing is paid by the company, as I have shown from the testimony of Sir George Simpson. Another charge which has been made against the company is the unjust forfeiture of the natives' property. At page 102, I find Colonel Crofton makes this statement upon that subject:—

> "I have known occasional instances of Indians and half-breeds who have smuggled furs procured in the Hudson's Bay Company's territory across the frontier line, and bartered them with Americans for goods conveyed from the United States. These men, when detected, are deprived of the furs, which are forfeited, and in some instances of half-breeds at Red River, have been fined for breach of the laws. All are fully aware that they become delinquents by selling furs to the Americans, and therefore never dream of seeking protection from law for acts which they all know to be contrary to law."

Major Griffiths says, at page 110, in answer to this charge—

> "I am unaware what the exact rights of the company are in this respect."

This is the only charge which, from the position of these gentlemen, they were in a position correctly to answer. Yet Major Griffiths, in answer to the charge, says—

> "that the natives having attempted to trade on their own account, their goods have been seized by the company's agents under colour of the provisions of the charter, and that the natives have been unable to obtain redress from the local courts."

I am unable to concur with the statement made by the Under Secretary of State for the Colonies, by the direction of Earl Grey, and which was addressed to the hon. Member opposite, in which he says—

> "The only trustworthy information Lord Grey has been able to obtain tends completely to negative all that has been alleged against that body on those points to which this information applies, leaving unrefuted no other charges but those as to which the persons from whom information has been sought, have been unable to afford it, and which have been met by a direct denial by the company, while at the same time they are in a great measure deprived of weight by the contradiction given to the parties from whom they proceed, on the points on which their assertions admitted of being tested by an appeal to impartial evidence."

On the contrary, I must say, that a great many of the charges have been—some by the company itself, and from some of the extracts which I have read to the House—entirely confirmed; and I do not know a single instance throughout the whole of this case in which any charges have been completely and effectually disproved. I am ready to admit that some of the charges, the answers to which at present remain in darkness, might be proved to be unfounded, if a competent tribunal were established for inquiry into those charges. All I can say is, that at present these charges are not disproved, and that many of them have been, on the other hand, clearly substantiated. What I want to make out is this, that in the teeth of so many charges, some admitted, some proved, and upon investigation none disproved, it has not been a fulfilment of the duty of the Government to transfer to such a body the colonisation of another and a most important territory; that, upon the contrary, they should gravely consider how, in justice to the inhabitants of that vast and enormous territory, natives of it as they are, and moreover British subjects like ourselves, how their condition could be improved, and how they could in future be secured from the recurrence of such transactions as have been already detected and made known. I have shown, I think fully, the anti-colonising spirit of the Hudson's Bay Company; and I think, in doing so, I have shown to the House that it is its bounden duty even at this, the eleventh hour, to interpose and prevent the colonisation of Vancouver's Island being handed to this company. I hope that the House will so far indulge me as to allow me to read a letter from Mr. Isbister, dated March 22, 1848, as showing the injurious effects resulting from the course pursued by the Hudson's Bay Company:—

> "The chief evil arising out of the present system of administration, and which I would most respectfully urge upon your Lordship's consideration, is the anti-colonising spirit manifested by the Hudson's Bay Company. Were their monopoly simply confined, as it should be, to the fur trade, and were they themselves the active agents in procuring the commodities they bring to market, its injurious operation would be less felt. Not satisfied, however, with this important and lucrative privilege, they lay claim equally to all the productions of the country, exercise a species of property in the natives, and an absolute right in the soil, of which they will neither make any beneficial use themselves, nor suffer others. For a period of nearly two centuries, during which they have held possession, an immense territory, equal in extent to all Europe, and embracing every variety of climate, soil, and natural production, has been suffered to remain in the condition of a wilderness, and its capabilities and resources been studiously concealed or misrepresented, for the selfish purpose of retaining it as an immense park for wild beasts, equally unprofitable to the nation and to its own inhabitants. The settlement on the Red River may possibly be considered an exception to this statement; but it should be borne in mind, that it was not established by the Hudson's Bay Company, but by the late Earl Selkirk, from whose heirs it passed into the Company's possession shortly before their applying for a renewal of their last license, in 1838. Under the impolitic system which was thenceforward adopted, not an European emigrant, scarcely even a visitor, has been permitted to approach the colony; the settlers have found themselves subjected to the same jealous and illiberal policy which characterises the operations of the fur trade; their energies paralysed by inquisitorial and vexatious restrictions, and they themselves cut off from all communication with their fellow-subjects of Great Britain, and exposed to the contamination of the worst class of the citizens of a neighbouring State, those who, everywhere infesting the outskirts of civilisation, are emancipated from all law and restraint themselves, and are the bane of all public order and tranquillity among those with whom they come in contact. Thus, while it is the true policy of this country to promote emigration, at least along the frontier, in order to counteract the effects of the rapid extension of the American settlements in this direction, the only British colony between Lake Superior and the Pacific Ocean is that established on the Red River."

Now, Sir, there is but one remaining attribute which I took the liberty to apply to the Hudson's Bay Company, which was "secrecy." I will not, however, dwell at any length upon that point. I believe that my hon. Friend opposite, who is connected with the company, will not deny that secrecy exists to a very great extent in the proceedings of the company. To such an extent is that principle carried, such is the desire of the company for secrecy, such their determination to maintain it, that the precaution is adopted of even insisting that the journals kept in that country should be burned before a party leaves the district, and that they even prohibit their servants from writing any account of what passes in the country. Now, really I can hardly believe this statement to be true, though it is stated in page 58 of these returns. I can hardly believe that such a tyranny is exercised in any country in the world. Still less can I believe that Mr. Dunn, the gentleman to whom I am alluding, was compelled to burn his journal at Fort Vancouver, before he could leave the country. I have stated simply the charge that secrecy is carried to this extent, for the purpose of allowing any hon. Member to contradict the charge on the part of the company. I must again apologise to the House for not having arrived at the conclusion of my statement. I have felt it necessary, in order to lay the ground for my Motion, in the first place, to prove, as far as I could, that this is not a colonisation company, and is unfit to be entrusted with the important functions about to be given to it. I think that sufficient grounds were stated, in the course of last Session, to call for some inquiry into the subject. We have now the evidence of the facts then referred to, and the whole of the case before us; and I think, judging from them, that grounds do exist why Parliament ought to meet any such proposition as that of the cession of Vancouver's Island to this company with a positive refusal. At any rate, I rejoice that the discussion took place last year upon this subject; for if the House, and those hon. Members who took part in that discussion, were unable to obtain the whole of their wish—namely, the cancelling of the charter—they have, at any rate, enforced such alteration in it as may, if any colonists should ever be found willing to go to that unfortunate island, mitigate, in some degree, the mischiefs which would have been entailed upon them by the charter as presented to the House upon that occasion. Considerable alterations have been made in that charter since the debate of last year, under the auspices of the President of the Board of Trade, and the other Members of the Committee of Privy Council, to whom, according to the promise of the noble Lord at the head of the Government, this question was submitted after the discussion of last year. By the draft of the charter as then proposed, the whole of the fisheries in the neighbourhood of Vancouver's Island would have been exclusively confined to the company. It was perfectly monstrous that the Colonial Office should for a moment have entertained such a demand, and still more so that Earl Grey should have approved of such a proposition. We have before us a copy of his letter approving of this monstrous monopoly. Why, it was a wonder that they did not call upon the Government for powers to exclude the colonists from the very air they breathed. This provision has now been altered, and the fisheries are left as free as is the air. Another alteration has been promised with respect to the administration of justice—namely, the repeal of the Act to which I have already alluded, 1 and 2 Geo. IV., and the institution of judicial tribunals. Another very important alteration has been made with respect to the sale of the land. By the charter, as laid before the House last year, the company were actually to be in possession as proprietors. The whole of the land was to be given to them, and they were to be empowered to sell it for such sum as they could obtain for it, and to be allowed to pocket the whole of the proceeds. I rejoice to find, however, that, from the publicity which has been given to this transaction, and the discussion which has taken place upon the subject, this further infraction upon the rights and liberties of Englishmen has been prevented, and that the company are now bound by the charter, as at present published, to apply 90 per cent—I do not see why they should not be compelled to apply the whole sum—for the purposes of the colony, and only to appropriate 10 per cent of the proceeds among themselves. Although I admit that this charter is very much improved, still I can by no means assert that all the objections to it have been removed. On the contrary, I think that, judging from the experience we have had of the conduct of the company, the whole affair remains, in its main features, almost as unjust and as flagrant as ever. What can be the object in granting this island to the company at all? What does the company want with more territory than they already possess? The company do not wish to found a colony there. On the contrary, I believe that the sole object of the company in obtaining possession of the island, is to keep others out of it. It is simply because a monopoly of the fur trade could not be maintained if a great, free, and independent colony were established in Vancouver's Island. If a model of Great Britain were established in that island, the people would not submit to such acts as the colonists of the Red River have been compelled to submit to under the arbitrary conduct of the Hudson's Bay Company. The monopoly of the company would be ultimately done away with under such circumstances; and it was solely to preserve that monopoly that the Hudson's Bay Company were striving to obtain possession of this island. It might, perhaps, be asked, what object is there to gain by the country opposing this grant? What other plan can be proposed? There is one point which has been put forward in answer to that inquiry, by Earl Grey, I think, which was, that no private party was likely to be forthcoming having sufficient capital to undertake so large a concern. I think I could show that that is not a valid objection. How does the present company stand? Can any portion of the capital of the Hudson's Bay Company be applied to colonisation purposes, in the strict and legitimate sense of the word "colonisation?" What is the capital of the Hudson's Bay Company?

They call it 400,000*l.*, but I need hardly tell the House what I believe is so perfectly well known, that this 400,000*l.* is in reality only 93,000*l.* It was originally only 40,000*l.*, but having since been doubled, it amounts now, together with sums raised upon different terms, to the sum of 93,000*l.*, which is the whole amount of the paid-up capital of the company. But assuming the capital to be 400,000*l.*, the whole of the capital is at present invested in the fur trade. Has the company a right to transfer any portion of this lucrative investment, known to be so, and which is said by many to be enormously lucrative, although I do not believe that at present the company divide very enormous profits; but, at any rate, there is no doubt a very fair profit is derived from the capital so invested. Is it to be believed, then, that any portion of this 400,000*l.* could be withdrawn from so good an investment, in order to colonise an island which can return, for some years at all events, only a very small dividend upon the capital invested? It manifestly cannot be their intention to apply any portion of the funds now employed in the prosecution of the fur trade, for the purpose of colonising Vancouver's Island. I say, therefore, that any objection of this kind falls to the ground. Many of the members of the Hudson's Bay Company are, no doubt, wealthy men, and may invest capital in colonisation, but they will not do so as members of the Hudson's Bay Company. The fact of their being possessed of private means does not affect the question in the least, and the capital of the Hudson's Bay Company is at present so profitably employed that it cannot be considered as available for the purpose of colonisation. I now come to a point of much importance, and that is the free constitution of the colony of Vancouver's Island. The governor is to be appointed by the Crown, but is to be selected by the Hudson's Bay Company. Now, at page 18 of the papers presented to Parliament this Session, I find that Lord Grey, having intimated to Sir John Pelly that he was ready to receive recommendations from the company on the subject of a governor, the company has recommended Chief Factor Douglas to be the first governor, and fourteen gentlemen to be magistrates, who are all traders connected with the company. Is not this really a mere respectable sham, when appointments of this kind are made by a body whose interests must necessarily be interfered with if the colony succeeds? Is it possible to devise a scheme by which the means of founding a successful colony may be more effectually counteracted? I beg, also, to remind the House that we have not yet seen the documents by which this free constitution is given to Vancouver's Island. It may turn out that though the constitution be in appearance and even in terms free, it may be clogged with so many restrictions, and fettered with so many disabilities, that it may be useless for practical purposes. The hon. Gentleman opposite smiles—and perhaps it may be really a free and working constitution, but at least there is some ground for supposing otherwise, when we find the first announcement of it in the advertisement which the company itself has put forth, for the first time, in all the London newspapers this morning. I, for one, am prepared to attach the greatest primary importance to free institutions, without which no colony is likely to succeed. Free institutions ought, therefore, to be given; but I do not believe that in order to success, free institutions alone are necessary, and nothing else is required. Though freedom is an element of success, I cannot admit that it is the only element. In the course of the debate on a former occasion, it was asserted that the island was given over to the Hudson's Bay Company because it was doubted whether Vancouver's Island was capable of advantageous colonisation. I am anxious to spare the time of the House, and therefore I will not at this hour do more than assert, that that fact has been clearly substantiated. From the first discovery of the island—from the accounts of Vancouver himself, and all impartial observers—more especially by recent reports—it has been completely established that the island is extremely fertile, that it is rich in mines of coal and other minerals, that its timber is fine, that its ports are good, and that its climate is in many respects superior to that of England, and singularly suited to the constitution of those who go out from this country. These great facts, I think, have been made out; and so far as the official reports now before us go, they corroborate all these statements. I have in my hand also a copy of a portion of a private letter from a gentleman in Her Majesty's service, who visited that island, giving an account of its physical and political importance:—

"Vancouver, from its climate, soil, timber, harbours, fisheries, game, and, above all, its position, is one of the most valuable islands belonging to Britain, and it is only necessary to glance your eye over the map of the north-west coast of America to be convinced that it is so.

> "In a military point of view, it is to Oregon and California what Bermuda is to the eastern seaboard of the United States, its splendid harbours and fine timber affording shelter and supplies for fifty fleets, while in a commercial point of view, it ought to be the great depôt for supplying Oregon and California with British manufactures; not to mention the Russian settlements, from which it is only ten days' sail, and China and Japan, from which it is not more than eighteen or twenty days. If ever Minister deserved to be impeached, Lord Grey does, for thus wantonly sacrificing the country's interests."

I do not go the extreme length of the opinion expressed in the last sentence of the letter; but if Lord Grey does really believe that the advantages of this colony are not sufficiently clearly made out, and that therefore he handed it over to the Hudson's Bay Company, I still say that before he did so he ought to have made a careful and accurate survey of the island. What is the course which the United States of America take in all their undertakings of this kind? Do they allow their territories to be squatted on, or do they make over their broad lands in the far west to the guardianship of a company in New York? No; they take the preliminary step of having an accurate survey of the territory made, and they lay down the limits within which they wish the colony to be founded. Lord Grey ought to have caused a survey to be made, and until by means of a survey he had satisfied the public of the qualities and resources of the island, he ought not to have prevented the natives of this country from going, as I contend they have a right to do, to place themselves in an independent position as colonists. There is evidence to show that the Admiralty contemplated a survey of the seas all round the island, and communicated that intention to the Colonial Office, so that the Colonial Office might have the interior of the island, if it thought proper, surveyed at the same time. That step, however, was not taken, and till it be taken, Lord Grey cannot say that voluntary efforts would not have been made to colonise the island. I speak on this subject from circumstances which came to my own knowledge a year and a half ago, and I know that numerous parties were then anxious to have gone out to Vancouver's Island, if they had known the terms on which they could have gone; and, as far as capital was concerned, numerous applications would have been made for the purchase of land two years ago. So far, then, am I from believing that this island has no advantages and no capabilities, that I believe, if there is a spot in the world which, so far as we can read its future destinies, is intended for mighty purposes, that spot is the western coast of America. Everything that has been going on there for some time past indicates that it will be an enormous civilised portion of the world; the southern part of this coast being secured to the United States, the northern to us. From the mouth of the Columbia river down to California the whole country belongs to the United States; and I think it of the greatest importance, looking to the circumstances which are likely to arise, that a free and independent colony should be established in Vancouver's Island. I think it no vain dream to anticipate that the day will come, when not only the commerce of the Pacific, but of the coast of Asia, will in all probability flow into the ports of that island. South of Vancouver's Island, till you come to San Francisco, there is not a single available spot where a ship can take shelter. Under these circumstances, I must say it is no answer to tell us of the distance of Vancouver's Island from Great Britain. The efforts which are now making for the colonisation of neighbouring districts make it certain that some means of overland communication will before long be discovered. Before many years are over, this question of distance will be entirely obviated. But we are told that there is no trade in the harbours of the island, and that there is no demand for the coal and minerals which it contains. Of course there is not at present, but there will be when the island is colonised. I think, therefore, that whether viewed as regards the present position of Vancouver's Island and North America, or still more prospectively, this arrangement made by the Government is most impolitic, improvident, and unwise. Three years ago, such was the importance of the island, that we heard of wars and rumours of wars to maintain our rights there. This country was then ready to go to war to support its claim to Oregon. Well, we have obtained the most important portion of that district, and we hand it over to the cruel care of an anti-colonising company. I believe that the present opportunity of extending our colonial empire in that direction has been thrown away, and that as long as the company keeps its grasp upon the island no colonist will go there, or, going there, will not thrive. I believe, therefore, that in the course of a few years the Government will be obliged to exercise those reserved rights which I will now only touch upon, and emancipate the colonists at the cost of a large grant of money. The grant of the island to the company was made in the teeth of remonstrances from all quarters, and in the teeth of a division in this House, in which the Government escaped defeat by a narrow majority. It was also opposed by the press with singular unanimity. I do not believe that there is one daily or weekly journal published in this city which has not discussed the question, and every one of them in one and the same single spirit. There was also a remonstrance of a similar kind addressed to the Government in October last, and that was a memorial from the Manchester Chamber of Commerce to the Privy Council. It is too long to read at length to the House, but I have made an abstract of its principal heads. It pronounces all charters for exclusive trading mischievous; expresses astonishment that so valuable a possession as Vancouver's Island should be handed over for a rental of 7*s*. per annum, to so inert a body as the Hudson's Bay Company; expresses belief that, abounding in coal and timber, it presents a cheerful prospect for the free emigrant; refers to settlements rapidly increasing on Columbia river, and first-class American steamers established between that river and Panama; calls the island the key of the whole coast, and depôt for refitting and supplying ships; says that all hope of a free and self-supporting colony is crushed by this unfortunate transference; complains of the grasping propensities of this secret and greedy company; refers to wise provisions in Lord Glenelg's license of trade, in 1838, for resumption of privileges by Crown where any colony should be formed; prays that charter may not be granted. Now, if we examine any of the details connected with this question, we shall find equally strong objections to the grant of a charter to the Hudson's Bay Company. I have alluded to the importance of the coal and minerals found in that island. The importance of these minerals for national objects did not escape the notice of a body more vigilant than, I am sorry to say, the Colonial Office is. On the 5th of February, 1848, Mr. Ward, then Secretary to the Admiralty, addressed this letter to Rear Admiral Sir George Seymour:—

"Sir,—I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for your information and guidance, the enclosed copy of a letter from Mr. Cunard, recommending on grants of land being made on Vancouver's Island, that the coal-mines should be reserved for the use of the Crown."

The enclosed letter ran as follows:—

"1, Hyde-park Place West, Jan. 3, 1848.

"Sir—Observing in the public papers that coal is to be had at Vancouver's Island, I hope I may not be considered as intruding by bringing the subject under the notice of the Lords of the Admiralty. Individuals in the Oregon territory will be alive to the advantages resulting from the possession of this valuable article, and will endeavour to obtain the best situations, or acquire any right the natives may have, or suppose they may have.

"It may therefore be well, in granting lands on this island, to reserve the mines for the use of the Crown, and to take such measures as may prevent the natives or others from acquiring or ceding rights to these mines.

"The subject will not long escape the vigilance of the Americans in that neighbourhood.—I have, &c.

(Signed) "S. CUNARD.

"H. G. Ward, Esq., M.P., &c."

Mr. Ward also wrote the following letter to Mr. Hawes:—

"Admiralty, Feb. 5, 1848.

"Sir—I am commanded by my Lords Commissioners of the Admiralty to transmit to you, for the information of Earl Grey, the enclosed copy of a letter from Mr. Cunard, suggesting that on land being granted on Vancouver's Island, the coal-mines there should be reserved for the use of the Crown.—I have, &c.

(Signed) "H. G. WARD.

"B. Hawes, Esq., Colonial Office."

This was the answer returned by Mr. Merivale, Under Secretary of State for the Colonies, to the Secretary of the Admiralty:—

"Downing-street, Feb. 18, 1848.

"Sir—I have laid your letter of the 5th instant, and its enclosure before Earl Grey, and I am directed by his Lordship to acquaint you, for the information of the Lords Commissioners of the Admiralty, that the suggestion made by Mr. Cunard, that it would be advisable to reserve the coal at Vancouver's Island for the use of the Crown, will be borne in mind whenever an opportunity arises for the disposal of land in that portion of the British possessions.—I am, &c.

(Signed) "HERMAN MERIVALE."

Whether that suggestion was borne in mind or not when the charter was granted, I am unable to say; but in the charter laid before the House not only is the land made over to the Hudson's Bay Company, but the coal and all other minerals also. I cannot but think that this is a great and grievous mistake. What are the arrangements which the company has since made, as appears by their advertisements? They propose to sell the land in fee-simple, but to reserve the whole of the minerals throughout the island, with the exception of coal, which they allow the owner of the land to work "for his own benefit"—words which are susceptible of a very limited interpretation indeed. The company reserves to itself the right of working coal throughout the island, compensating the owner of the soil for surface damage, but in certain cases it may be worked by the owner of the soil himself, on his paying a royalty of 2*s.* 6*d.* per ton. Now, I must say that, considering the circumstances, this royalty is enormous, for the best Staffordshire coal hardly in any case fetches a royalty of 2*s.* 6*d.* per ton, but varies from 1*s.* to 1*s.* 6*d.* per ton. So much for the pecuniary part of the arrangement. It is provided, however, that the royalties received shall be applied to the same purposes as the price of land, that is to say, 90 per cent is to go to the uses of the colony, and 10 per cent to the company. As I read the charter, however, no sums of money will be applied to the purposes of the colony from this source, if the coal be worked by the company itself. My hon. Friend shakes his head, which shows me that there is at least an ambiguity in this respect; but as I read the charter, when the company work the coal themselves, the whole proceeds of the sale of the coal would go into their own coffers. That only corroborates the statements which have been made as to the impolicy and want of thrift of the Colonial Office. Now, I am told that a contract is either made, or is about to be made, by which the Hudson's Bay Company engage to supply coal from Vancouver's Island at 50*s.* per ton. If this be the case, and my construction of the charter be correct, it is obvious that the company will work the whole of the coal themselves. Coal may be raised in Vancouver's Island, according to the testimony of Captain Gordon, at an expense of 4*s.* per ton, and allowing the expense to increase as they work deeper, the cost of working the coal will be at the outside from 8*s.* to 10*s.* per ton. Now, as to the price of land, I will not discuss the questions which have been raised with respect to a uniform price of land. I know there are different opinions on that subject, and I do not wish even to mention my own. When, however, we come to the probable prospect of a colony being founded, we must look at the price of land as an important element for consideration. A price of 1*l.* per acre may be very well in Australia, but in the case of Vancouver's Island you demand 1*l.* per acre, coupled with the condition that for every larger amount of land than twenty acres purchased, the purchaser shall take out labourers in the proportion of five single men, or two married couples for every one hundred acres. Look at the enormous additional expense entailed by this provision. I am not saying that, eventually, this may not be a proper arrangement to make, but I look at it as bearing upon the question whether it is intended by the company to form a colony in the island. Look at the American districts just contiguous, and reflect that by the conditions imposed by the Hudson's Bay Company you are raising the price of land in Vancouver's Island to 2*l.* 10*s.* per acre. A few miles off, land may be purchased, on the American Continent, for a dollar and a quarter, that is, for 5*s.* 3*d.* English per acre. With land at that price, would the advantage of living under the Hudson's Bay Company be considered so great as to induce anybody to go to the enormous expense of 2*l.* 10*s.* per acre before he could put a spade in the ground, or exercise any right of ownership? I hold in my hand the advertisement which was put forth this morning by the Hudson's Bay Company, and a very pretty and plausible scheme it is—put forth not without an eye, I fancy, to the discussion which was to come on here a few hours afterwards. I have referred to two of the points embraced in that advertisement, that relating to the land sales, and that regarding the coals and minerals. There is another point alluded to in the advertisement, which is one of great importance. The company quote certain provisions of the commission and instructions given to the Governor. These look very pretty on paper; but I must tell the hon. Gentleman opposite that he has hardly dealt fairly by the House, considering the importance of this question, in leaving us so entirely without information, that until to-day we did not know whether any commission had been issued, or any instructions given to the Governor. What this commission is, or these instructions are, I do not know, except so far as the Hudson's Bay Company has been pleased to tell me, although it is impossible to doubt that they must have an important future bearing on the interests of the colony. The advertisement tells us, that for any one who may wish to go to Vancouver's Island there will be a ship provided in July, to be followed by another in the course of September. I suppose these are the ships of which we have heard so frequently before, and that they are not ships chartered by the Hudson's Bay Company to carry out the numerous emigrants whom they expect to attract by their advertisement. I should hope that they have not gone to that expense, for they will certainly be disappointed in any such expectation, if indeed they entertain it. The advertisement says that the ports and harbours shall be free, not only to the settlers who go there, but to ships from all parts of the world who go there for the purposes of trade. I sincerely hope that this is a *bonâ fide* declaration on the part of the company. Does the commission of the Governor prohibit the Hudson's Bay Company from imposing any restriction in the way of a tariff? If they have the power of imposing a tariff, this freedom of ports may really mean nothing. If they have not such a power, why have they not inserted in their charter that wise provision which was inserted in the exclusive license to trade conferred by Lord Glenelg, namely, that whenever the Crown should think fit to establish a colony in the island, exclusive right to trade should be withdrawn? But, Sir, I shall be told, no doubt, that there are two great securities now inserted in the charter, which will prevent the national evils which I and others contemplate will arise in this direction. I shall be told that there is a provision for forfeiture at the end of five years, if no colony is founded by the Hudson's Bay Company. Well, Sir, but no provision is made as to the way in which they shall found a colony. It may be, and I fear it will be, that a simple colony will be established by a transfer from Puget's Sound, which is, in fact, the Hudson's Bay Company under another name—not a colony in the ordinary sense of the word, but a mere factory—an agricultural factory, if I may use the expression, established by that company. Will that be held to be a fulfilment on their part of the provision for founding a colony in Vancouver's Island? I am bound to say, as I read this charter, that I do think it will. Therefore that provision is no security at all; and when we arrive at the end of the period, we may find ourselves very much in the same position, as regards British colonists in the island, as that in which the island stands at the present moment. But, supposing that such should not take place—supposing that this colony is founded, and there is no right at the end of five years for this country to step in to deprive the company of the charter, a second security has been inserted in the charter, namely, that in the year 1859—that is to say, on the expiration of the license for exclusive trading—the Government will be enabled to purchase up the right of the Hudson's Bay Company, conferred upon them by this charter, if they shall so think fit. Well, Sir, there is certainly here a most extraordinary laxity of wording, even if there is not something more. I am no lawyer, but as a plain man, reading this sentence, I maintain that by this charter, as at present worded, the Hudson's Bay Company will have a right to claim to be repaid—not merely the ten per cent, which they have appropriated to themselves, but the whole of the sum of ninety per cent, inclusive of what they have held in trust for public purposes, and have expended in colonisation. Sir, as I said before, I am most anxious to hear a legal opinion upon that point, but I cannot help thinking that what I have stated is the effect of the provision. It provides the repayment of any "sum or sums of money thereafter laid out and expended by them in and upon the said island and territory." There is no provision for a valuation, no provision for the arrangement being carried out in any other way than the simple payment to the company of such sums of money as shall have been expended by them, including the land sales. That is to say, the funds derived from the sales themselves, which, by the provisions of the charter, are to be appropriated to public purposes, will become a remuneration and pecuniary advantage to themselves. Well, then, Sir, I say, so far from this provision being any security, even if the colony be founded, it will be a kind of premium upon bad administration to be paid by the Government, and an encouragement to the wildest speculation. Looking at the manner in which the Hudson's Bay Company has proceeded, the Government will find that it will become their bounden duty, if not in justice to the natives, then in justice to their own subjects established in that island, to pay a large sum of money for the purpose of emancipating the island. The settlers—to use the words of a friend of mine the other day—will become hostages for the money that Parliament will eventually have to find to buy up the Hudson's Bay Company. I have now only to explain the Motion with which I am about to conclude. At the commencement of my observations I stated that I was not inclined to waste the time of the House by a mere Motion of crimination of the Government. However I may condemn—however I may deeply regret the course they have taken—however I may believe it will eventually entail upon us national loss and national calamity, I do not think I ought to propose a mere vote of censure on a question of this magnitude. But I do intend to carry out what I hope will be a practical Motion. I have brought forward this question, not as a vote of censure, but more in the hope that there is an accidental circumstance, a loop-hole, if I may use the term, by which the calamity I fear may be stayed. I believe that there is that accident, and that the charter now granted will be proved to have been faulty. And if faulty, I think, then, it becomes the bounden duty of this House again to address Her Majesty for the purpose of praying Her Majesty not to grant to the Hudson's Bay Company, or any other association, the rights of this most important island. Sir, I allude, of course, to the doubt which existed evidently in the mind of Earl Grey himself at the commencement of this transaction. A letter, addressed by the hon. Gentleman opposite, under the direction of Lord Grey, dated the 3rd of October, 1846, is as follows:—

"Sir—In reference to your letter of the 7th ultimo, respecting the colonisation of the British territories in North America, situate to the westward of the Rocky Mountains, and to the northward of the 49th degree of north latitude, and in reference to what passed at the interview which took place with you on that subject at this office on the 23rd of September, I have received the directions of Earl Grey to request that you would move the directors of the Hudson's Bay Company to apprise his Lordship, with as much exactness as may be possible, what is the extent, and what are the natural or other limits of the territory in the possession of which they desire to be confirmed, pointing out what may be known regarding the soil, harbour, and navigable streams comprised within it. I am further to signify to you Lord Grey's wish to be informed by the company whether they are advised that their right is clear in point of law to receive and hold in their corporate capacity any lands within the dominions of the British Crown westward of the Rocky Mountains."

And again this difficulty, referred to subsequently in a letter dated the 14th December, 1846, as follows:—

"I am directed by Earl Grey to acknowledge the receipt of your letter of the 24th of October last, and to return to you the following answer to it. Lord Grey is unable to announce to you any decision of Her Majesty's Government with regard to the colonisation of the Oregon territory. His Lordship will be happy to receive, and will consider with every disposition to accede to it, any specific proposal for that purpose which may be suggested to him either by the Hudson's Bay Company, or by any other person interested in the subject. Lord Grey further directs me to state that he is prepared to assent, on Her Majesty's behalf, to your proposal, that certain lands in Vancouver's Island, or in other parts of the Oregon territory, should be granted to the Hudson's Bay Company; but before making that grant his Lordship would require the production, by the company, of an opinion from Her Majesty's Attorney and Solicitor General, to the effect that the acceptance by the company of such a grant would be consistent with their charter of incorporation."

This is the answer of Sir John Pelly:—

"Hudson's Bay House, Jan. 22, 1847.

"My Lord—Mr. Under Secretary Hawes, in the letter which, by your Lordship's direction, he did me the honour to address to me on the 14th ultimo, stated that you were prepared to assent, on Her Majesty's behalf, to my proposal that certain lands in Vancouver's Island, or in other parts of the Oregon territory, should be granted to the Hudson's Bay Company; but that before making that grant you would require the production by the company of an opinion from Her Majesty's Attorney and Solicitor General, to the effect that the acceptance by the company of such a grant would be consistent with the charter of incorporation. On receiving this intimation, I directed a case to be drawn up for the opinion of the Attorney and Solicitor General, which case, with their own opinion thereon, I have the honour to transmit to your Lordship herewith. Your Lordship will perceive that the question raised in the case is confined to the single point on which you expressed a wish to receive information, namely, whether the Hudson's Bay Company have power under their charter to hold lands within Her Majesty's dominions westward of the Rocky Mountains."

Well, Sir, I confess that I, for one, am not satisfied with the course which has been taken by Lord Grey to satisfy his own mind as to the doubt which I have twice shown to have existed—a doubt as to the power of the Hudson's Bay Company to receive a charter of land westward of the Rocky Mountains. I say, the regular and official course has not been taken in this instance. There can be no doubt that it was the duty of the Colonial Office to satisfy its doubts by having a case prepared. I believe there are doubts as to the legality of this charter—not, let me say, as regards the power of the Crown to confer, but as regards the Hudson's Bay Company to receive; and when such doubts exist, be they great or be they small, it is the duty of the Colonial Office, not to direct the company to prepare a case, but to have prepared a case themselves. I will ask any learned Gentleman in this House whether it is not a well-known axiom, "If you will give me the party who prepares the case, I will tell you the answer that will be given?" Believing this grant to be impolitic and unjust, I am justified in availing myself of any mode of escape that may yet be left, to endeavour, as far as possible, consistent with honour, to save the country from the bargain—the unfortunate bargain—which has been made by the Government. Therefore, after the first resolution, which details succinctly (what I have already stated at such length) my reasons for believing the Hudson's Bay Company to be an improper body to conduct a free colony, I go on to state that I believe that the course taken by the Colonial Office to satisfy the doubts which existed previously to the issuing of this charter is insufficient, and therefore I conclude by praying Her Majesty that She will cause such measures to be taken as will ascertain in a regular and proper manner the validity of this charter without any possible doubt; and if that report should be unfavourable, I shall go on to propose that the grant be abandoned. I have to apologise for the time I have taken up in bringing this subject before the House; and I can assure the House that I have been actuated by those feelings which led me in the first instance to put the question to the noble Lord in the course of the last Session of Parliament—a thorough and mature conviction that this arrangement is most impolitic and unwise—that you have sacrificed by this transfer to the company, not merely the individual interests of those who may be induced under any circumstances to go to that island under the auspices of the company, but you have entailed a very material and grievous loss upon this country, both as regards the trade of the Pacific, and the political bearing on the mighty interests that are rising in that quarter of the world: and let me add, a heavy blow has been struck against the great and growing interests of free colonisation. The noble Lord concluded by moving—

"That an humble Address be presented to Her Majesty, setting forth that this House has taken into its consideration the Papers which Her Majesty has graciously commanded to be presented to it with regard to the grant of Vancouver's Island by Royal Charter to the Hudson's Bay Company, and is of opinion that it is ill adapted for superintending the establishment of any Colony founded upon principles of political or commercial freedom:

"That it also appears from the Papers before mentioned, that the means adopted by the Secretary of State to ascertain 'that the acceptance by the Company of such a grant would be consistent with their Charter of Incorporation,' were insufficient:

"That this House accordingly prays Her Majesty to be graciously pleased to direct that such measures as shall appear to Her Majesty most suitable may be adopted to ascertain whether, by the Charter in question, a grant in all respects valid has been made of the powers which it purports to convey."

Mr. HUME, although he seconded the Motion, must say, that the noble Earl had not made the case sufficiently strong. It appeared to him that the conduct of the Colonial Office had been most shameful, and every step of their proceedings had been irregular. He did not think the Hudson's Bay Company were to be at all blamed in the matter: their object was to drive a trade in skins and furs; and nothing could be more desirable to them than to obtain possession of Vancouver's Island, and prevent its colonisation. The Colonial Office had, however, acted most irregularly and improperly in allowing the transfer of the island, under such circumstances, to a body whose principles for 200 years past had been those of monopoly and restriction. No doubt they looked upon this as a most advantageous proceeding. It would be to their interest to prevent colonisation. Every one of the conditions attached to the grant to the company was at variance with those which any wise man wishing to encourage a colony would impose. Probably there was no spot on the face of the globe more advantageous for the promotion of commerce and trade than this island. The natives, with their wooden implements alone, could now produce coals at 4*s.* a ton; and, therefore, there could be no doubt that, with the necessary improvement, coals could be obtained for 2*s.* a ton. Prince Edward's Island was originally granted to twenty-eight individuals, and not two of them ever intended to go there. It appeared to him to be one of the most unfortunate occurrences connected with colonisation that had occurred since he had had the honour of a seat in that House. The noble Earl had referred to the Motion which he had made for the production of papers connected with that subject, and had approved of the refusal of the Government to produce them. The production might have been inconvenient; but where great national advantages were to be obtained, he did not see why they should keep secret what affected the interests of the community at large. It was a most irregular mode of doing business to allow a party to make out his own case. He thought he was justified in saying that the interests of the country ought not to be sacrificed to ignorance or interest. He considered that the Minister of the Crown should not have power to grant or give away any portion of the British territory until the opinion of the House had been taken upon the matter. The time was, he thought, coming, when the House would have a right to interfere, and inquire into bargains of that nature, to prevent the public interests being sacrificed in that way. He was sorry Her Majesty had been advised to confirm the grant, and he thought the House was in a position to come to a direct vote of censure upon the conduct of the Government. He knew no single publication, he knew no one man, who would attempt to defend these proceedings on the part of the Colonial Office. Upon all the grounds which he had stated, he thought it a most unfortunate circumstance that this island should have been handed over to the Hudson's Bay Company, instead of establishing a British colony under the protection of the Crown. In that case the island would have enabled us to prevent that interference which we might expect hereafter on the part of the United States. If Vancouver's Island were not colonised, there would not be another port of that extensive coast where English ships could resort. It was, indeed, matter of regret that the Admiralty should not have pressed upon the Government the necessity of having this island as a place of resort for our ships. It was impossible to believe for one moment that this colony would ever be made useful to us. He was sorry that the Motion of the noble Earl did not convey a stronger condemnation of the policy of the Colonial Office. In that condemnation, he believed, if he were to poll the country through, nine-tenths of the people would go with him.

The Question having been put,

Mr. HAWES rose to reply, when

Notice taken that forty Members were not present.

House counted; and forty Members not being present, the House was adjourned at half-after Eight o'clock.

HOUSE OF COMMONS,

Wednesday, June 20, 1849.

Minutes.] Public Bills.—1° Militia Ballots Suspension. 2° Marriages.

Petitions Presented. By Mr. James Duff, from Banff, against the Marriage (Scotland) Bill.—By Captain Fordyce, from the University of Aberdeen, against, and by the Marquess of Douro, from Norwich, in favour of, the Marriages Bill.—By Sir R. H. Inglis, from the Clergy of the Archdeaconry of Essex, for an Alteration of the Law respecting Tithes.—By Mr. William Fox, from Oldham, for Repeal of the Duty on Attorneys' Certificates.—By Sir W. Somerville, from Dublin, against the Collection of Rates (Dublin) Bill.—By Sir E. Filmer, from Loose, Kent, for Agricultural Relief.—By Mr. Milner Gibson, from the Chamber of Commerce and Manufactures, Manchester, for the Bankrupt Laws Consolidation Bill.—By Mr. Aglionby, from Keswick, Cumberland, for the Copyholds Enfranchisement Bill.—By Mr. Meagher, from Waterford, for Sanitary Measures; also for an accurate Registry of Births, &c. (Ireland).—By Mr. Cobbold, from the Guardians of the Ipswich Union, for an Alteration of the Poor Law.—By Captain Blair, from the Bolton Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Plumptre, from several Places in Kent, for the Suppression of Promiscuous Intercourse.—By Mr. Moody, from Ilminster, for an Alteration of the Sale of Beer Act.—From Bridgewater, for an Alteration of the Small Debts Act.—By Mr. Bright, from Rochdale, for the Formation of Treaties by which International Disputes shall be referred to the Decision of Arbitrators.

VANCOUVER'S ISLAND—THE COUNT-OUT ON TUESDAY NIGHT.

The Earl of LINCOLN: Sir, I beg to give notice that, in consequence of the House having been counted out yesterday through the instrumentality and by the active exertions of persons connected with the Government—especially of one entrusted by the Government to muster up forces on all occasions of this kind—I shall renew the Motion with respect to Vancouver's Island, so cut short yesterday, as an Amendment to the first Motion for going into Committee of Supply.

Mr. TUFNELL: Does the noble Lord allude to me?

The Earl of LINCOLN: I do not allude to the hon. Gentleman as far as the counting out is concerned; but I also say that the hon. Gentleman did all he could to prevent a House being made.

Mr. TUFNELL: That is not the case. I sent notices to all the Members of the Government. I was absent from the House at the conclusion of the noble Lord's speech, in consequence of indisposition.

The Earl of LINCOLN: All I mean to say is, that when I entered the House at a few minutes after four o'clock, I was assured by an hon. Member who had come in just before four o'clock, that there were only thirty-nine Members present. The hon. Member to whom he alluded was the noble Lord the Member for Evesham.

The ATTORNEY GENERAL said, that during the four hours and a half occupied by the noble Earl in his address, there had been very few Members on the opposite side of the House. The counting out of the House was felt to be an inconvenience; for, after the speech of the noble Lord, my hon. Friend, the Under Secretary for the Colonies was prepared to give what he considered would be a most satisfactory answer to that speech. If, before making the complaint, the noble Earl had calculated cause and effect, he might have expected that some such result would follow an address of such duration; but surely the noble Earl had as much reason to complain of the one side of the House as of the other.

The EARL of LINCOLN: I complain of the count out.

MR. SPEAKER here suggested, that hon. Gentlemen should reserve any remarks until the House arrived at the dropped orders.

MR. GLADSTONE said: I take the liberty of saying that there is no intention on the part of the noble Earl the Member for Falkirk to attribute to the Members of the Government, usually so called, any disposition to get rid of this important question by counting out the House. Irrespective of the impropriety of getting rid of such a question in such a manner, I think the inexpediency of such a course at such a time is obvious; especially when the hon. Gentleman the Under Secretary for the Colonies, was about to make a reply—a reply which I confess I was curious to hear, but not for the reason entertained by the hon. Gentleman himself, namely, that it would be a satisfactory one to the case presented by the noble Earl. At the same time I think the occurrence was most unfortunate; and I wish the hon. Baronet the Member for Sunderland, who interposed on that occasion, would state the motives which governed him in exercising a privilege which I admit is sometimes usefully exercised. I regret the absence of the noble Lord the Member for Evesham, as he knew what proceedings were taken, and the reasons which gave rise to them. With respect to the Motion itself, considering not only the general importance of the question, but that the Motion distinctly arraigns the conduct of the Government with respect to it, while at the same time it contemplates a plan of policy and alteration for putting an end to an unfortunate arrangement by just and equitable means—I would make a suggestion to the Government, not, however, in the nature of a request, that it would be expedient for them to name a day on which the debate may be concluded. I know that such a suggestion is not palatable at this period of the year. My noble Friend has given notice of bringing the Motion on again on the first occasion of going into Supply. It is plainly a question which ought not to be mooted without being brought to a decided issue; and as I think the debate should take place as early as possible, I beg to suggest to the Government, under the circumstances, that they should name a day for bringing it to a conclusion.

MR. LABOUCHERE: In the absence of my noble Friend who has the conduct of the business of this House, I am unable to enter into any arrangement of the kind proposed. I can assure the right hon. Gentleman that I regret as much as any man the untimely end of the discussion last evening. I believe that no time is ever gained by a resort to such a proceeding. I feel bound to say, especially after the attacks which have been elsewhere made on my hon. Friend the Under Secretary for the Colonies, imputing to him, that after the elaborate attack made on the department with which he is connected, and just at the moment when he rose to address the House, he committed an act of suicide, and put an end to the discussion and to his own speech—I feel bound to say that, sitting near to him at the time, I was made acquainted with his sincere and unaffected regret, that, by the counting out of the House, he was precluded from making what he considered would be a sufficient answer to the statement and objections of the noble Earl. But I must protest against the doctrine that it is the especial duty of the Government to keep a House. [The Earl of LINCOLN: I did not say so.] With respect to the anxiety of those sitting on the Ministerial side of the House, all I can say is, that certain Members of the Government were present when the House was counted out; and that there were at least as many Members on this side of the House as there were surrounding the noble Earl. But I think in cases of this kind, when a Member of the leading station and position of the noble Earl opposite introduces a Motion, the least thing the House can expect is, that he should use his influence amongst his own friends in order to secure a sufficient House. I entirely deny that there was any intention on the part of the Government to count out the House. I regret that it took place; but in the absence of the noble Lord the First Minister of the Crown, and in the present position of public business, I cannot give the pledge required by the right hon. Gentleman the Member for the University of Oxford.

Mr. TRELAWNY remarked, as a curious circumstance, that the noble Earl the Member for Falkirk was not present when the House was made yesterday.

The Earl of LINCOLN: Sir, I think the right hon. Gentleman the President of the Board of Trade is evading the charge I made. I never said that it was the duty of the Government to keep a House. Quite the contrary; I said it was just as much the interest of individual Members as of the Government. Nor did I say, that when Government business was not on, it was the duty of the Government to make a House. With respect to my own absence from the House, it was accidental, a person having called on me at the last moment, which detained me for two or three minutes. I am ready to take upon myself any blame which may attach to me on that account. But, although I did not say that it was the duty of the Government to make a House, I did say, in answer to the hon. Gentleman the Secretary to the Treasury, that an attempt had been made to prevent a House being made. This is a very different thing to the Government making a House. And I did say also, what I am now prepared to repeat, that with respect to the Government making a House on the occasion, an hon. Friend of mine informed me that the only Member connected with the Government present when the House was made, was the hon. and gallant Member for Greenwich. [The Attorney General and Mr. Cornewall Lewis here intimated that they were in the House at the time.] I know that when the House is made, the Members of the Government pour in. But what I complain of is, not that a House was not kept, but that a Member holding office, and connected with the Government—a Gentleman whose especial duty it is to muster the forces of the Government—should, for a considerable period, have actively employed himself in endeavouring to reduce the numbers in the House below what was necessary to constitute a House; and I, then, distinctly charge him—I have it from the lips of hon. Members—with what is called "whipping out the House." What I say may not be Parliamentary, but it is correct. I acquit the hon. Gentleman the Under Secretary of the Colonies—I have no reason to think that any Member of the Cabinet either authorised, or themselves made any exertion to get the House counted out. But what I say is, that the noble Lord the Member for Evesham, who holds this particular office, ought not on an occasion of this kind, when an important Motion is brought forward, to exert himself to get the House counted out. [*Lord Marcus Hill here entered the House.*] I rejoice exceedingly that the noble Member has entered the House, and I now repeat the charge, that he was instrumental in getting the House reduced below the number of forty; and if he wishes the particular names of the three hon. Members who not only saw but heard these things, I will give them. All I have further to say is, that if the consequence of bringing my Motion on, on going into Committee of Supply, will be to impede public business, the responsibility does not rest with me, but with the noble Lord, who prevented the question being debated last night, and that the mischief must be borne by the Government for not preserving sufficient discipline in their ranks.

Lord MARCUS HILL: I assure the noble Earl that I took no open measures whatever. An hon. Friend of mine told me of an intention to count the House out, and I certainly made no effort to dissuade him from doing so. But to say that I went about canvassing Members to go away, I did nothing of the kind.

The Earl of LINCOLN: I ask the noble Lord whether, on strangers being ordered to withdraw, he did not meet an hon. Member coming into the House, and distinctly say to him, "Don't go in—the House may be counted out?"

Lord MARCUS HILL: I may have said so, but I don't think that implies any deliberate attempt on my part to canvass Members.

The Earl of LINCOLN: Were you not at the green door behind the Speaker's chair, preventing Members from coming in?

Lord MARCUS HILL: I had just come out of the Speaker's room, where I had retired to converse with a right hon. Friend, and was conversing with him when the thing occurred.

Mr. SLANEY said, no doubt it was a hard case for the noble Earl opposite to be counted out; but he thought the case just as hard when it referred to a Motion affecting the welfare of the great mass of the people as when it related to Vancouver's Island. At the same time, however, he hoped the House would stop to continue the debates when once they were begun, for he was sure that in the end they would save time to the House and the Government by following that course.

MR. AGLIONBY considered they were wasting the time of the House by keeping up this discussion; but at the same time he must ask the Speaker and the House, when the practice of counting out was so frequently followed during the Session, creating impediments and obstructions to the public business, whether they ought not to inquire how they could best put some stop to the measure. Though only thirty-seven Members, independent of the Speaker, were present last night, probably in the course of an hour after the House was counted, the number would have been swelled to between 100 and 200 Members, for they all knew that many Members were in the habit of going out at a particular hour and returning again afterwards. He therefore thought it a very unfortunate circumstance that on a Motion of so much importance the House should have been counted out at such a period of the evening; and he wished some plan to be devised to prevent the recurrence of the like in future.

MR. ADDERLEY could speak himself as to the activity behind the chair of the noble Lord, the whipper-in of the Government, in getting the House counted out. It had been said that it could not have been the object of the Government to effect a count-out; but in his opinion the Under Secretary for the Colonies would not find a little delay at all inconvenient for him in preparing a defence. The country now took a great interest in colonial affairs; and what appearance would the count-out have to the people out of doors, when on an important question it was understood that a noble Lord, known to be the whipper-in of the House, was seen actively exerting himself to secure a count-out, and ultimately succeeded in his purpose? He did not wish to make any attack on the Government in the matter; indeed, the blame was equally due to Gentlemen on his side of the House; but he thought the dignity of the House and its duty to the public would have been better consulted if hon. Gentlemen on both sides had remained in their places.

MR. VERNON SMITH rose to protest against the doctrine of the hon. Member for Cockermouth, that it was the duty of the Government to keep a House on all occasions, because he thought such a rule would prevent individual Members from attending in their places as they ought; and he thought the privilege of counting out as important a privilege as any other, because it enabled the public to see what the questions were that excited no interest in that House, and prevented many Members, who were absent during the debate, from coming in late and voting upon questions which no one could pretend their minds were prepared for deciding. Could any one say that those who were absent when the attack was made in his elaborate speech on this difficult and complicated subject, by the noble Earl, and when the conduct of the Government was defended by Her Majesty's Ministers, could be able to tell what it was that they were voting for? He confessed he was surprised to see the noble Earl, with his experience in that House, get up and make a grave charge because he had been counted out. The best thing he could have done under the circumstances was to put the ridicule quietly in his pocket; for he was only continuing the laugh against himself by making a charge against his (Mr. V. Smith's) noble Friend for the performance of, no doubt, his duty. Where a person brings forward a Motion that does not sufficiently interest the House, or his speech is not considered sufficiently attractive, he is always liable to such a proceeding. But it was not the duty of the Government to keep a House for an adverse Motion; and the noble Earl himself knew that to be the rule. [The Earl of LINCOLN: I have said so before, several times over.] But the noble Earl's own followers were not sufficiently numerous to make a House; and the best thing he could do was to let the matter pass, without saying anything further on the subject.

MR. HAWES was anxious, before a new subject came on, explicitly to declare that he had no knowledge of the intention to count out the House the previous evening, and must express his strong disappointment at what had taken place; but as the noble Earl had kindly exempted him from all participation in the charge, he would totally pass by the imputations that had been cast elsewhere. But he was bound to state, after what had been stated against his noble Friend the Member for Evesham, that he had himself particularly observed that, except during the early part of the noble Earl's speech, not more than twenty-five Members altogether were present for a very long period. He had been on a Committee all day himself, and on leaving it he went down to the Colonial Office to procure such papers as he thought might be necessary to answer the speech of the noble Earl; but the count-out that took place took him entirely by surprise.

Mr. HUME was of opinion that no business ought to be proceeded with unless 200 Members at least were present. Not that he approved of the course taken last night; but he wished to call the House's attention to the practice in Committees, of the clerk, whenever a quorum was not present, calling the notice of the chairman to the fact, when the business was stopped. Now, if the House adopted an analogous rule to the rule in Committees, he thought the business of the country would go on better, greater attention would be secured to questions of high public interest, and there would be less loss of public time. Whenever the subject of the Estimates was brought before the country, the crying evil was that there was an instantaneous rush made out of the House by hon. Members; and, for his part, when that was the case, he should like to put a stop to any further votes of public money till the attendance present was adequate to secure proper control. In the United States, and in other countries, in all their popular legislative assemblies, one half of the members must be present before the business could be gone on with; and if that excellent rule were adopted here, they would have that House full of Members who came there to do the business of the nation, and not for other purposes. He hoped that the time was not far distant when they would be able to get rid of all the useless Members, by compelling every Member to attend in his place or give up his seat. He did not think the noble Earl, because he happened to have what they called a high standing in that House, ought to obtain more attention for his Motions than other hon. Members who might not rank so high there. They ought to be all equal there; and although they could not enforce an attendance, yet every Motion brought forward should be allowed a fair hearing.

Subject dropped.

EXEMPTION OF LITERARY SOCIETIES FROM LOCAL TAXATION.

In reply to Mr. Brown,

The ATTORNEY GENERAL said, he had considered the Bill for simplifying the mode of carrying into effect the exemption of literary societies and mechanics' institutions from local taxes, but there were two portions of it to which he entertained considerable objections. The first, with respect to the mode prescribed for adjusting disputed facts, which he considered would give rise to considerable litigation; and the second, with respect to the establishment of an office under the Act, and the payment of fees for registration. He was not prepared to give any pledge on the part of the Government as to the course they intended to take in regard to this measure.

Mr. MILNER GIBSON wished to ask the hon. and learned Attorney General whether he objected to the principle propounded by the societies, and whether the Government would undertake to bring in a Bill to effect the object of the societies without the creation of the new office?

Mr. BRIGHT said, perhaps there might be persons looking out for the new office. Perhaps the hon. and learned Gentleman would be willing to introduce the Bill without that clause.

The ATTORNEY GENERAL said, that he would do all he could to promote a measure which did not contain the clauses to which he objected; but whether the Government would think it expedient to introduce the measure was another question. He could not say whether such a measure would be introduced or not.

Subject dropped.

CANADA.

Mr. HERRIES said, that in order to make the question he was about to ask the right hon. Gentleman the President of the Board of Trade intelligible, he must read a few passages from the despatch of the Earl of Elgin of the 12th of May, 1848, which had been laid on the table of the House. The Earl of Elgin observed —

> "The advantage to the colonists in the British market afforded by means of protecting duties, generally enabled them to overlook the disadvantages of having the markets of the United States closed to them by duties levied in that country in favour of native productions."

And in the same despatch his Lordship said—

> "Connected with this subject of the free navigation of the St. Lawrence west of Quebec, which the Americans are desirous to procure, is a corresponding desire on the part of the Canadian farmers to avail themselves of the American home market whenever it affords superior prices to those derived from exportation to Europe. The price of wheat and flour in the eastern States in-

tended for home consumption is often much higher than the price in Canada for exportation. When this happens to be the case, it would be an immense advantage to the Canadian agriculturist could he export his produce for consumption in the United States. This, however, he is prevented from doing by a protecting duty of a quarter of a dollar a bushel upon wheat."

There were several passages in the same despatch, all tending to recommend that in establishing a free navigation of the St. Lawrence, a treaty should be formed with the United States providing for the removal of their protective duty.

Mr. ROEBUCK said, that he was sorry to be obliged to rise to order. No doubt all on that (the Ministerial) side of the House felt a deep interest in this question.

Mr. SPEAKER: There is a question before the House.

Mr. ROEBUCK was sorry to have offered an interruption.

Mr. HERRIES, in continuation, said, that if the hon. and learned Member had waited a little, he would have seen the necessity for making these remarks, in order to make the questions which he wished to found upon them intelligible. The questions he had to ask were, what answer had been returned to those representations of the Canadian Government; and what steps, if any, had been taken to secure the realisation of objects so forcibly pressed on Her Majesty's Government?

Mr. LABOUCHERE observed, that although he had been aware that some question would be addressed to him, he was not exactly aware of the precise nature of it. But he might state generally that the Government had received representations from the British North American colonies, setting forth the great importance of establishing a system of free trade with respect to those articles which constituted the great bulk of the produce exchanged between the United States and themselves, and that to adopt any system of customs duties would be attended with inconvenience. Perhaps the right hon. Gentleman was aware that the Government had returned an answer to these representations, that they would be glad to co-operate in facilitating this object. A Bill had been introduced in the Congress of the United States on the subject, but had not been proceeded with simply on account of the lateness of the Session. The subject would not be lost sight of, and the American Government would be advised, in every way, of the disposition of the Government to facilitate the important object of establishing a free intercourse for articles of produce across the borders.

Mr. HERRIES inquired what answer had been returned?

Mr. LABOUCHERE would inquire.

Subject dropped.

NAVIGATION LAWS.

Mr. GLADSTONE wished to ask the right hon. Gentleman whether there had been any correspondence between the Government and foreign Powers with regard to the effect of the alteration in the law on the definition of "national vessels" in our commercial treaties with those countries?

Mr. LABOUCHERE replied, that the communications to foreign Governments with respect to the alterations effected in the navigation laws had been laid on the table of the House. There had been no subsequent communications.

Mr. GLADSTONE would then state what had occurred to him on this subject. There were now numerous treaties with foreign States, by which equality of privilege, with respect to national vessels, was stipulated for and given by both sides. The effect of that stipulation was to make each State a party to the definition of national vessels on either side. That principle was fully recognised. In a number of treaties of ours particular relaxations had been introduced by our consent, and in very express terms, with respect to the vessels of other States. In the treaty of Guatemala, it was provided that for a certain number of years ships need not be manned by the native population, or built at Guatemala, but only owned by the people of that place. It therefore appeared to him that foreign Powers who held those treaties were entitled to consider that as the legal definition of a national vessel. What he desired to be assured of was, could we, under the changes which had been introduced, and under the treaties as they stand, claim such vessels as national vessels?

Mr. LABOUCHERE replied, without entering into the legal question of construction, that the operation of the Navigation Bill just passed had been purposely deferred for some months, in order that any question of the kind might be maturely considered, and to permit of such communications with foreign Powers as might be necessary.

Subject dropped.

MARRIAGES BILL.

Order read for resuming Adjourned Debate on Amendment proposed to be made to Question "That the Bill be now read a second time;" and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question again proposed, "That the word 'now' stand part of the Question."

MR. NAPIER said, he could assure the House that he approached this very difficult question with much anxiety. He said it was a difficult question, because though he was satisfied that the authorities against the adoption of this measure were conclusive, yet he could not conceal from himself the fact, that there were many whose motives he could not impugn, who differed from him in the view he took of the question, and there was a great difficulty in obtaining for it a calm and a dispassionate consideration. For his own part he deprecated the discussion of it altogether; but it having been pressed upon him, and such a question having been opened, he thought it due to the question, to the public, and to the House, that it should be fully and calmly debated. The commissioners in their report stated that the great difficulty in grappling with the subject was, that the opinion of a large portion of the people of this country was founded in a great measure on a vague and rather uninformed assumption that they are prohibited by God's word, than on a mature examination either of the Scriptures or of the law of the Church. Now he was one of those who concurred with the large portion of the people of this country in thinking that these marriages were prohibited by the Scriptures, and he trusted he could show also that they were opposed to sound policy. In the consideration of this question they should divest themselves of all bias. He had had the advantage of reading a very important letter, addressed to Principal Macfarlane, and he took that letter to embody the views of those who promoted this Bill. It was there argued that this was not a question of compulsion, but of permission. He thought there were three propositions which those who supperted this Bill were bound to establish. They were bound to show that the prohibitions were not required by the law of God, or by the real principles of Christianity; and, lastly, that the general interests of society would be more advanced if these marriages were allowed, than if they were prohibited. These were the propositions on which this question must turn; and if he was right, he was in a position to remove them. With regard to the Levitical law, it was argued that it was not binding; and the commissioners not only repudiated the Levitical law as not binding, but as assisting these marriages, and they contended that so far from being prohibited, these marriages were inferentially allowed. As respected the Levitical law, the injunctions given were framed for good and obvious reasons; for the injunctions were founded on a basis which went to the very structure of society generally. The injunctions in the chapter were binding on Christians and upon the whole family of the Christian world. They were not permissive to the people to whom they were addressed, but to all the people of Christendom. It was in the institution of marriage that we had a relationship of a closer character than that by blood alone. The Lord had declared that a man should forsake his father and mother, and cleave unto his wife. Then he would approach the xth chapter of Leviticus. He observed that one of the five witnesses whose evidence was included in the report of the commissioners assumed that the argument of those who were opposed to this measure founded their opinion upon the 18th verse of the xviiith chapter of Leviticus. Thus a rev. gentleman, a minister of the Church, said—

> "The view of those who contend for the prohibition rests, I think, on the 18th verse of the xviiith chapter of Leviticus, 'Neither shalt thou take a wife to her sister, to vex her, to uncover her nakedness, beside the other in her life-time.'"

That, he thought, was a fallacy. He thought that the 6th verse was that on which the question turned; and the subsequent verses enabled any one to expound its meaning. The 6th verse prohibited intercourse with those who were near of kin. He contended that no one could take the subsequent verses without seeing that that verse embraced affinity as well as consanguinity, in cases implied as well as expressed. The chapter in Leviticus specified the various prohibitions in respect to marriages; it spoke of the prohibition as between mother and son, but omitted to put the case of father and daughter. But silence was here the more significant. In the 14th verse there was a prohibition against a marriage with a father's brother's wife, for "she is thine aunt." Then they had the prohibition in respect to mothers, daughters, and grandmothers, as near of kin, and by legal implication they had affinity as a bar. The chapter included lineal and collateral branches as to whom marriage was impossible; and in regard to the collateral branch, it applied to those who might be supposed to be associated together on terms of domestic intimacy. Now, the 18th verse was that upon which the argument was attempted to be answered, and was thus defined. But did the 18th verse apply to the 6th verse? If, then, it did, did it or did it not apply to the wife's sister, as next of kin? But polygamy, if permitted, would not include the wife's sister. It appeared that in reference to this question the authority of Dr. Chalmers had been given to the world by Dr. Lee:—

> "That learned person (Dr. Chalmers) did not speak of the general principle involved in the xviiith chapter of Leviticus. Dr. Chalmers had, on receiving several ecclesiastical appointments, signed the *Confession of Faith,* and thus he virtually condemned such a supposition as that he favoured the opinion sought to be attributed to him. Besides, he (Dr. Lee) knew Dr. Chalmers' deliberately expressed judgment to be the very opposite. He considered that parties marrying within the forbidden degrees should not be in communion with the Church."

He now came to a stronger view of the question—namely, the manner in which it ought to be considered under the Christian dispensation, under which there had been introduced a different system from that which existed under the dispensation of the Jews. It provided for a system of moral purity. Having regard to the principle of prohibition, how much greater was the restriction derived from the principles of Christianity than from the prohibition of the Jewish law! Many erroneous views with regard to marriages were corrected by Christianity. Polygamy and the facilities for divorce were corrected by that system. He believed the tendency of the Bill was to lower the relations of marriage, to destroy that character which it was one of the objects of Christianity to elevate and purify; and, inasmuch as marriage was at the very foundation of society, it was the duty of Christians to vote against such a measure. The effect of Christianity was to elevate and chasten the feelings and sanctity of domestic life. On this point, an American authority, Chancellor Kent, said—

> "Under the influence of Christianity, a purer taste and stricter doctrine have been inculcated, and an incestuous connexion between an uncle and niece has been recently adjudged by a great master of public and municipal law to be a nuisance extremely offensive to the laws and manners of society, leading to endless confusions, and the pollution of the sanctity of private life."

Now, the case of the niece was not expressed in the chapter. It rested upon implication, and was fortified by the principles of Christianity, founded on express precept and parity of reasoning. And we were now asked to recede from the point to which society had been advanced by a legitimate development of Christian principle. It was important to consider how any change would operate upon individual character, and upon the most important element of society—family life. Amongst those who met on terms of domestic intimacy, it was necessary that their intercourse should be placed above the reach of suspicion. By the aid of pure principles within, and restriction of form without, a barrier was raised against the conception of impurity. The removal of that barrier would interfere with family life, and do a positive injury to society. In the early period of Christianity, it had great difficulties to deal with with regard to social organisation. That sect of the Jews which relied entirely upon the text of Scripture, and rejected all tradition, held the case of the wife's sister to be within the prohibited degrees. It was satisfactory to find that those of the Jews who adhered strictly to the word of God, agreed with the reformed churches, which had taken the word of God as their standard. The Grecian law and the Roman law prohibited such intercourse, as did also the law of the Koran. Observations had been made with regard to the Church of Rome, and the Papal law with regard to marriage. They did not rely upon it as a prohibition by the word of God, because, if they had admitted that, their dispensations could not have been brought to bear. But why did they prohibit the marriage? Why was dispensation necessary? It showed that they considered the allowance as the exception—the prohibition as the rule. In the year 790, when the Irish Church was a pure church, and abjured the authority of the Church of Rome, a canon was in force excommunicating the man who married his wife's sister. Let the House consider how the question had been dealt with in England and Scotland. What course did the Reformers take? They appealed to the word of God. The Church became pledged upon the subject, and the "Table of Degrees" became one of the canons of the Church, and was publicly promulgated. That state of things had continued to the present time. Jeremy Taylor referred in terms to the canon of 1603, which states that these marriages are prohibited by the word of God. Was it, then, to be left to individual men to differ with the church to which they belong; and were clergymen to be allowed to marry persons who would not be considered by the rest of the church as lawfully married? If this should be allowed, it would completely derange the principles of society. It was necessary that one basis should be allowed by all men. This was required by the exigencies of human society. There ought to be one basis alone. That basis ought not to be narrowed to a more strict limit than was necessary. But it was of the greatest importance that a civil sanction should not be given to a marriage which would not be regarded by the great body of the people as in accordance with their religious convictions. In the year 1836, when the Marriage Act was passed, the Dissenters did not take that view of the question which was now advocated by some few of their body who were not remarkable for their attachment to the Established Church. He did not know any one in Ireland who was favourable to the Bill. And what was the opinion of the Church of Scotland? The Church of Scotland, to her honour, presented an unbroken front on the question. He admitted that some doubt existed in the minds of professional men in that country, and amongst them it might perhaps be treated as an open question. But with regard to the Church and the laity of Scotland, he believed they were as determined as men could be to take their stand upon a clear conviction of the truth of their basis. In 1560, the jurisdiction of the Pope was extirpated from Scotland. The earliest authority on the subject is the Act of 1567, passed shortly after the Reformation in Scotland. It ordains that marriage "shall be as lawful and as free as the law of God has permitted the same." It also declares that—

> "Those of the second degree (by which is meant cousins german) of consanguinity and affinity, and all degrees outwith the same contained in the word of the eternal God, and that are not repugnant to the said word, might lawfully marry."

Then came the *Confession of Faith*, which was ratified and approved by the Act of 1690, passed on the occasion of the Revolution, and establishing the Presbyterian Church in Scotland:—

> "Marriage ought not to be within the degree of consanguinity or affinity forbidden in the word; nor can such incestuous marriages ever be made lawful by any law of man, or consent of parties, so as these persons may live together as man and wife. The man may not marry any of his wife's kindred nearer in blood than he may of his own; nor the woman of her husband's kindred nearer in blood than her own."

When it was stated in the report that the majority of the laity of England—that the whole of the people of Ireland, and the whole of the people of Scotland are opposed to the Bill upon deep settled religious conviction—considering the feelings that had been created under the present system, and that had been established for centuries, he could not conceive anything more perilous or impolitic than to agitate the public mind, and lead them to suppose that in what they have hitherto considered as standard truths they have been mistaken. In the year 1649 a statute was passed, ending in this manner:—

> "Consanguinity and affinity impeding matrimony is contracted by them that are of kindred on either side, as well as by those that are of kindred on both sides, and by unlawful company of man and woman, as well as by marriage."

And it was the opinion of the highest legal authorities in Scotland that no clergyman could be found who, in the existing state of opinion on the matter, would consent to celebrate a marriage between them. At a meeting of the Church not long ago, Principal Lee mentioned a case where a man had married the sister of his former wife. He said he had never heard but one case of such marriage, and that it excited general disgust; and also, that so far as he was acquainted with ecclesiastical history, such a connexion was incestuous. There could be no doubt, then, that the most eminent divines held such marriages to be at variance with the law. In Herbert's translation of *Grotius*, 1580, he found that in affinity marriage is forbidden within the same degrees of consanguinity, and that a man may not marry his brother's widow or his wife's sister. He appealed on this subject to those who belonged to the Church to which he belonged. If ever there was a Church pledged to this interpretation of God's word, he would ask was not the Church of England so pledged, and was not the Church of Scotland equally pledged? When the Churches of England, Ireland, and Scotland were thus unitedly pledged to this interpretation of God's word, he would ask was it fair that it should be set aside for the convenience of a few individuals? And who were the persons who sought to overthrow the present system? A great deal had been said about the poor. Now, let not the House be deluded in this matter. This measure was not introduced for the sake of the poor, but for the benefit of a few interested persons. This was admitted on the face of the report, which stated—

> "Of the marriages thus ascertained to have been contracted, very few were between persons in the poorer classes."

But that, on the other hand—

> "Among the parties contracting these marriages, since as well as before the Act of 1835, there are found to be many persons of station and property, and of unimpeachable character and religious habits."

He confessed that the reading of that sentence almost took away his breath. Here were persons of station and property violating the law of man, and what was believed by the great body of the people to be the law of God. The hon. and learned Member for Southampton appealed to the compassion of the House with regard to the innocent offspring of these parties. It was clear that they had violated the law, both human and divine, speculating on contingencies for the legitimatising of their children; and under such circumstances he must deny the eulogium which was conferred upon them as persons of unimpeachable character and religion. On the partial examination which had taken place of a small portion of England by interested parties, the House was asked to pass this law—to come into conflict with what all legislatures and governments were anxious to respect—the moral and religious feelings of the enlightened classes of society. Those feelings were the bone and sinew of the country, and on them its greatness depended. The authority of other countries had been referred to; but what authority, on a question of Scriptural interpretation, could be higher than that of our own national Churches? With respect to America, it was stated by the highest authority, that, within several of the States, marriages within the Levitical degrees are made void by statute. He would now endeavour to consider the balance of social advantages on one side and the other. This might be considered in two points of view—as a question of fact and a question of speculation. Now, as a question of fact, he would ask, had the commissioners furnished such statistics with regard to the marriage law as to justify its alteration, and the introduction of this new provision? Their inquiry, which occupied less than three months, was limited to a comparatively small portion of England alone Now, this Bill was applicable to the whole of the united kingdom, and the report admitted the large body of the people to be opposed to the Bill. If he understood the argument on the other side, it was this—that the accommodation of the poor is so bad, that when a wife dies, and her sister undertakes the management of the children, it is a matter of general policy that a marriage should take place. And did not the same reason exist in Scotland and in Ireland? But he was proud to say, with respect to his own country, that he never had known or heard of a case of incest. It was said that legislation could not prevent illicit marriages; and inasmuch as we are not strong enough by statute to overcome vices, we ought to modify it. But he considered it a principle of sound legislation, having morality on our side, to endeavour to elevate the objects of it, and not to throw temptations in their way calculated to degrade them. The higher the standard of truth and purity was held, the more useful would it become; and so long as this was a Christian Legislature, it ought to legislate on Christian principles. It had been suggested that, as a doubt existed, such marriages ought not to be prohibited. In that opinion he entirely disagreed. But, suppose it were a doubtful question of Scripture, on which side would doubt place duty? If they might prohibit on the ground of general policy, then the doubt whether the marriage was sanctioned by God would permit the prohibition, but would not permit its sanction. He asked the House to consider what would be the effect of this Bill on the social feelings of the people? Would any female of delicacy tender her affectionate duty towards the children of her sister, when it would subject her to the suspicion of offering it as the condition of her becoming the wife of her sister's husband? How long a period was to elapse between the decease of the wife and the marriage of her sister? Was the coffin of the wife to be the altar before which the marriage of the sister was to be contracted? How many younger sisters had no other home than that of their married sister; and could any one doubt that the Bill would have a cruel operation as related to them? Such being the case, ought not the House to consider the effect which the Bill would have on society in general, and not on a small corner of it? He trusted, therefore, that the House would not depart from the practice —not of any particular Church—but of the universal Catholic Church, which had Christ for its head, the Bible for its rule, and the Spirit for its guidance and aid.

The LORD ADVOCATE felt how very unfit that House was to enter into a discussion of many of the topics which had been introduced into this discussion. He referred more particularly to what was called the religious view of the question, and how far the object of this Bill was prohibited by the express word of God or by clear implication. Of course no person could address himself to the question without having made up his mind on that part of the subject. If it were so prohibited, directly or by implication, there was an end to the question. If it was not expressly prohibited, then there arose another point in the religious view of the question which he thought had received somewhat too little notice. It was a point held in great account by the early Reformers, namely, that the law of marriage ought to be free as the word of God had left it. There ought to be some very clear ground stated before they proceeded to put a restriction on the law of marriage, when the law of God did not interfere. He had felt it his duty to inquire diligently into the religious bearing of the question, and he had investigated the whole matter; and he had come to the conclusion that the union of a husband with his deceased wife's sister was not forbidden by the express word of God. It was clear to his mind that it was incorrect to say that the Catholic Church, or the Church of England, or even the Church of Scotland, held that the Levitical law was obligatory, as the hon. and learned Gentleman who had just spoken had stated. The Catholic Church reserved the power of granting dispensations for these very marriages; and one of the doctrines of that church was, that they could not dispense with a law of God. The Church of England never maintained, nor did the law of England maintain, that these marriages were absolutely void. It maintained that they were voidable, but not void. If a marriage was not challenged by a certain period, in certain circumstances, the marriage was legal. Therefore the law of England made that conditionally legal which the hon. and learned Gentleman said was absolutely prohibited by the law of God. The law of Scotland, in this respect, was placed in a rather better position. It did not recognise the difference between void marriages and voidable marriages. If a marriage was against the law of God, it was void altogether by the law of Scotland. By the rule of *Confession of Faith* in 1569, nothing was said about a prohibition of those marriages; but in 1609 they were prohibited; and there was a law in existence by which marriages forbidden by the xviiith chapter of Leviticus, were to be considered an incest, and punished with death. But, nevertheless, he did not believe there was a single lawyer who would venture to indict parties capitally for such an offence. The statute law of Scotland was, however, perfectly clear if the construction of the xviiith chapter of Leviticus by the hon. and learned Gentleman were the true one. But while, on the one hand, there was this Scottish statute inflicting capital punishment, as he had stated, there was another statute expressly declaring that marriage should be as the law of God permitted. Therefore, if these unions were not prohibited by Leviticus, they were necessarily good marriages. The very object of the Reformers was to remove what they held to be intolerable in the Roman Catholic Church; namely, the imposition of restraints in the law of marriage which were different to those imposed by the law of God. The *Confession of Faith* had not been ratified by Parliament as a civil authority that could be moved in a criminal court for the infliction of a punishment, but simply as the confession of faith of the Church. As regarded the religious question, then, his opinion was that it was necessary to demonstrate the right of human legislation to deal with marriage, so as to throw impediments in the way of unions, which impediments did not exist by the law of God. If God, in his divine and revealed word, had so dealt with the law as to allow these unions to take place, he appealed to the House, in a religious sense, what right they had to place impediments in the way of them which God had not? If his hon. and learned Friend was right in his construction of the xviiith chapter of Leviticus, he would find that if the principle was pushed to its full extent it did justify, as in fact it was made the foundation of, all those abuses in the Roman Catholic Church which it had been the aim of the Reformers to remove. He knew how much averse his countrymen were to marriages such as those which would be allowed by the Bill; but the aversion which might exist in Scotland or in Ireland did not appear to him very important elements of consideration in passing such a law, because of all effects to be deprecated in legislation on this matter, this was the most to place impediments in the way of certain marriages in one country which did not exist in the other. But the aversion of the people of Scotland to these marriages was not to the union itself in the abstract. Supposing these marriages forbidden by Leviticus, then the people of Scotland would hold them in religious abhorrence. But, upon the principle of the Reformation itself, these restrictions had been got rid of; and he did not hesitate to say, that the foundation of the feeling of the people against these unions was every moment undermining. There was a growing conviction among all parties in the country, that these marriages were not forbidden by the word of God; and with the growth of that conviction the abhorrence of them must necessarily decline and disappear, because there was no other foundation for it than the belief of these unions being against God's law. He was half inclined to allow—if the question concerned only the higher classes of society—that there was so much beauty in the social relation, so much charm in the particular connexion between a wife and her sister, upon whom probably, in the event of death, would devolve the care of the children, that it would be unwise to destroy it. He was not blind to these considerations; but he could not consent to legislate upon a question involving the relation of marriage and the happiness of families with reference only to one particular class, and that the smallest in the community. In spite of the laws which had been passed, the people had been examining the Scriptures for themselves—they were satisfied that this connexion was not forbidden—they had formed an independent opinion; and, holding that opinion, they asked where was the reason and justice and religious sanction of a law that cast impediments in the way of a marriage which God had left free? They regarded the law as cruel, tyrannical, and irreligious; and they made for themselves these unions, which, stamped how they might be by some men, they regarded as not unholy in the sight of God, and which they deemed themselves most religiously, most morally, and most chastely entitled to form. And it was with reference to the feelings of these persons that the commissioners had introduced those words which the hon. and learned Gentleman said had almost taken his breath away—that persons in the middle and lower classes who formed these connexions were not of dissolute or abandoned lives, not disobeyers of the law, but people of chaste and moral habits and of deep religious feeling, but who violated the law because they conscientiously thought it against the Scripture, and believed these marriages to be good in the sight of God. This brought him to the consideration whether it was a wise state of the law which left people of this character habitually to disobey the law, and which brought constantly into their view the contrast between the enactments of the Legislature and their interpretation of the word of God. The learned Lord having apologised to the House for having so long trespassed upon them, concluded by saying, that upon these grounds he should support the second reading of the Bill.

Mr. GLADSTONE said, that if the learned Lord Advocate who had just sat down, speaking, as he had, with so much ability and so much authority on this question, had felt it necessary to apologise for having detained the House by his observations, how much more requisite was it that he (Mr. Gladstone) should request their indulgence, aware, as he was, that there were many Gentlemen who were naturally anxious to arrive at a conclusion on this subject. But the importance of the question was so great, and the changes of which it threatened to be the forerunner in our social system were so many, and likely to be so permanent, that time gained now would be in reality lost by anything short of a full consideration. He admitted he should feel the force of one appeal made by the learned Lord, if he thought he was correct in the facts. The learned Lord had said candidly that, with respect to one class of society, the balance of advantage was against the change—["No, no!"]—or, at any rate, he said that many of the arguments introduced to recommend the measure were to his mind powerful reasons against it. But the learned Lord said they must not legislate for them as being the most limited class in society. He appealed to the House to consider their case, however, and he appealed with tenfold augmented force to the House to consider the case of the lower classes of society. Yet it appeared to him that all the arguments of the learned Lord were pointed, if to any class, to the middle class. And the arguments and explanations which determined it for the upper class were applicable to the middle class. But how stood it with the poor? Had the effect of the Bill upon the poor been to kindle this degree of feeling?—had the effect of their legislation led them to examine the Scriptures upon this question?—and had they come to the conclusion, that the legislation of that House had been wrong?—and, with a strong feeling did they now maintain the opinion that those marriages, being legitimate, in their opinion of the meaning of the highest authority upon the subject, ought to be legalised by human law? He asked the advocates of the Bill, and the asserters of this state of things, whether they had more evidence than that which was supplied by the report, and evidence of the Committee, for there they had only 1,600 cases, gathered together by the most diligent inquiry, extended throughout the country? Those cases were divided into five classes. The first class contained mayors of towns; the second, magistrates, barristers, and attorneys; and the third, clergymen. Those three classes he would constitute into one; the middle class he would make the second; and the labouring poor, mechanics and such like, he would place in the third class. Now, how did the House think the cases thus brought together in support of the Bill were divided? Why, the 1,648 cases of marriage adverted to in the commissioners' report were divided—for the middle classes, 1,503; for the upper classes, 105; and the whole number occurring among the lower classes was only 40. He should not enter upon the question started by the learned Lord in his able speech, which he submitted to the House after an elaborate investigation of the law of Scotland, and which, however important it might be, were this matter to come to judicial issue before the tribunals of the country, had yet not much bearing on the question now in the consideration of the House, whether or not they should be justified in altering the present law of England. Yet he was somewhat surprised at the course pursued by the learned Lord in his argument, for he admitted that there was one statute of Scotland which prohibited the marriages solemnised within the Levitical degrees under pain of death; but he said there was another statute of Scotland which prohibited those marriages, but not under pain of death. [The LORD ADVOCATE: Oh, no!] He begged pardon, but reminded the learned Lord that he had spoken of those statutes. [The LORD ADVOCATE: No, no!] He would ask whether the law of Scotland ratifying the *Confession of Faith,* which declared those marriages null, was not another statute? The learned Lord afterwards proceeded to show that no one concluding such a contract could escape the Scotch law, which punished the crime capitally. But what did he say for the law of England? Why, he said it only declared it voidable, and not void. But he (Mr. Gladstone) wished the House should distinctly understand, before acceding to the argument of the learned Lord in reference to the English law, whether that law did not treat with the same feeling all other incestuous relations, or whether it placed this case apart from the others as peculiar in its character. Because, the learned Lord said, we shall legalise such marriages, and so far alter the defective state of the law; but he must remind him that the same law in the same way treated all other cases of incest, some of them too revolting even to mention, and none of them admitting of doubt as to their criminality. As for the parties more especially interested in this Bill, he should carefully avoid, in anything he said, giving utterance to what would be painful to their feelings, for they were parties, in his opinion, who had been grievously misled; but knowing how liable to error was human judgment, and it might be no more than such error in them, he must think their feelings ought to be sacred against all adverse criticism. But the learned Lord said that many religious persons had disobeyed this law. That was not a fair statement of the case; yet he would not examine into the character of those whose cases had been got together by the commissioners, for he should only call upon the House to observe in regard to those who had disobeyed the law, and he knew some at least of that number bore excellent characters; but whatever were their characters, they were a very small minority in the class to which they belonged. Were they then to alter the law to meet the views of an extremely small minority of any class, whatever that class to which they belonged might be? On what ground was it that his hon. and learned Friend urged them to such an effort of legislation? This was not a question affecting the civil liberty of the subject. At least it was not so treated, although, under different circumstances, it might be so viewed. He would suppose a case, though it was not a true one. He would suppose, however, for illustration, that the Roman Catholics were in a body to come before the House, and say, "We do not agree with those who support the law as it stands, we have our own religious system, we have our dispensations, and we will not have the obstructions imposed by this law." This or any other body of Dissenters might come, and by their dogmas show that it touched their civil liberty; they might say, for example, that the bastardising of the issue was a civil penalty attending that which their own system might teach them to view as other than a crime. He was only supposing cases which might probably occur. But the real question which the House had to deal with was, whether they were to alter the law of England, and, with it, whether they were prepared to alter the law and doctrines of the Church of England indirectly? [*Cheers.*] He perceived that his right hon. and learned Friend the Member for Buteshire had not forgotten the bearing his Bill might have upon the Church of England; and herein was another mark of his good feeling. He had introduced a clause into the Bill providing that no clergyman should be prosecuted for refusing to solemnise those marriages. What then did his right hon. and learned Friend effect by this? He did not alter the law of the Church; he left the law of the Church of Scotland and of England contained in the Confession and in the Canons binding upon clergymen, but left no means of enforcing it; he left it *in foro conscientiæ.* If the clergyman obeyed the Act, well; but if not, he was not to be punished. Was that a position in which the clergy ought to be placed? They did not do away the law, but they destroyed its sanction; and they said to the clergyman who had given his solemn promise to obey it, "Very well, but you will not be punished for a breach of it." He observed that his right hon. and learned Friend, in his letter to the Rev. Dr. Macfarlane, said—

> "Though the Bill contains a provision for exempting all persons from temporal penalties for celebrating this marriage, it also gives protection to those who, from conscientious scruples, refuse to solemnise the rite, and does not interfere with any spiritual censures not requiring the secular arm of the courts to enforce them."

It did not interfere with spiritual censures not requiring the secular arm. But what would be the effect of the interference? Suppose a beneficed clergyman; and suppose that according to the laws of the Church of England, by virtue of which he held his benefice, he were guilty of disobedience; he received a letter from the Bishop of London, suppose; but whether under this Bill he would be punished for his disobedience, or the Bishop censured for his interference, he knew not; but this he did say, it was perfectly absurd to leave a clergyman at liberty to disobey the law while he continued to hold his benefice in the church whose laws he was transgressing. But what then was the great principle involved in this Bill with respect to ecclesiastical legislation generally? For they were called upon by a vote of that House to determine, at least so far as the obedience of every individual clergyman was concerned, that what was the law of the Church throughout the kingdom should be observed. What was the law of the Church, and what was the difference between this Bill and that law? The prohibition of marriage in certain cases was a mere ecclesiastical prohibition, and both before and after the Reformation all laws merely ecclesiastical affected clergymen alone. This, however, was not an ecclesiastical prohibition, for the law on the subject professed to declare the word of God. The Church could add no authority to it, could annex no sanction to the prohibition. She only declared by her 99th canon, that it was no prohibition of ecclesiastical authority, but a declaration of the word of God. Here was the canon:—

> "No person shall marry within the degrees prohibited by the laws of God, and expressed in a table set forth by authority, in the year of our Lord God, 1563."

Let the House look at this. What more could be done by the Church than declare that this prohibitory law was the truth of God? It was said, in an age not over religious, by a worthy ancestor of his, that the people had taken the word out of the commandments, and put it into the creed; but he should say, if this Bill were to pass into a law, the consequences which it must draw after it would be to bring the whole religious belief of the subject within the sole vote of Parliament. He thought the Bill was most dangerous to our conscientious freedom, and most absurd so far as regarded the means of discussion in that House. His right hon. and learned Friend would not suppose that he was imputing to him any blame for the consequences of this kind which might follow the passing of the Bill; but he did think they were consequences which would ensue if the principle once received the covert but effectual sanction of that House. Several hon. Gentlemen who had spoken in this debate had stated that they would forbear to enter upon the religious portion of the discussion. He could well understand how such individuals as the right hon. Baronet the Secretary of State for the Home Department, who had made up their minds that there was no religious prohibition binding upon their conscience, could pass that part of the question by unnoticed. Considering, however, that the Bill was opposed by many on the ground that it was opposed to the word of God, he could not approve of their leaving that portion of the discussion untouched; and although he acknowledged his own incapacity to deal with it, he yet must state to the House that it appeared to him to be a religious prohibition binding them to refuse their sanction to the Bill. His assertion was, that the marriage of a man to his wife's sister, was contrary to the law of God, declared for three thousand years and upwards. He found, in the first place, that it was prohibited to the Jews in the xviiith chapter of Leviticus, but prohibited to them in a sense not peculiarly applicable to the Jews only, but applicable to the nations of the world. For they were told in that very chapter that the crimes of the people whom the Jews were then going to dispossess of their land had brought down upon them the condign punishment of God; and among the other incestuous acts charged upon these nations was this particular relation to be found in the catalogue. It was impossible to confine the prohibition to which he alluded to the Jewish nation, for the Canaanites were punished for offending against the law of God by this crime; but if it had been a law prohibitory to the Jews only, then it was not binding on the people of Canaan. But since they, too, were punished under this law, the inference was that it was of universal application to mankind. How stood criticism with regard to the passage? He concurred with his right hon. and learned Friend in the admirable speech which he had made upon this question. Look, then, to the chapter which had been so often resorted to, and look to the 6th verse of the chapter—

> "None of you shall approach to any that is near of kin to him, to uncover their nakedness: I am the Lord."

The words were, near of kin. Now he said that it was no mere probable argument—that it was not a mere inference which could not be removed from the effects of doubt—but it was an argument that admitted of proof, that the case of a wife's sister came within the meaning of those words. Then in the 6th verse the prohibition was absolute; marriage was prohibited between a man and those near of kin, and what it was necessary to show was, that a man was near of kin to his wife's sister. He contended that in the very sense of these words, there existed that relation between the two parties, and to get at that relation he did not find it necessary to go through indirect affinities. He found that the relation was reached by two steps; the one the relation of a man to his wife; and the other of a wife to her sister. A man and his wife were one. He did not stop to inquire how that dogma stood to the case in question; he did not wait to declare whether it was mystical, or social, or civil: but this he said, that for the purposes of that chapter, and in the sense of that chapter, considered as containing the law of the question, a man and his wife were one. The 12th and 13th verses exhibited the sense in which the words of the law were used. Those verses are—

> "Thou shalt not uncover the nakedness of thy father's sister: she is thy father's near kinswoman. Thou shalt not uncover the nakedness of thy mother's sister: she is thy mother's near kinswoman."

He argued that as a father's sister and a mother's sister, so a sister to a sister were, in the word and sense of the chapter, "near of kin." The 6th verse, "You shall not approach to any one near of kin," was an absolute dogma; and all that followed, to the 18th verse inclusive, were but separate instances of particular cases of this grand prohibition. He held, then, that the arguments of the learned Lord had not touched upon the ground on which this prohibition rested. But he would ask what he made of the various doubtful versions which were given of the 18th verse? As he had been already told, there were thirty-five cases of the expression found in the 18th verse being made use of in a similar sense in other parts of Scripture, and there were thirty-four instances where it merely signified "like to like," or one woman to another, the rendering which was found in the margin, showing at least that it was of equal authority with the text. However, he should pass by that, not choosing to build any argument where there was room for doubt. But this he repeated, that there was no other mode of adjustment than the one he had already pointed out by taking the 6th verse as absolute, and what followed as particular cases of disobedience to the same grand prohibition. Again, it was admitted that the practice amongst the ancient Jews was to prohibit this connexion to their nation. The Rev. Mr. Jenkins, a witness who had been produced by the friends of the Bill, said that the Jews did not practise these marriages :—

> "It appears, however, that the traditional law of the Jews did exclude the marriage of two sisters in succession, but whether upon the ground of this passage, or upon some more general law, does not clearly appear."

When he spoke of practice, he meant legal practice. But, he asked, what was the character of the Jews in this respect? Were they a people likely to impose upon themselves this restraint? They had authority for saying that the whole tendency of that people was to relax the restraints imposed by divine law, because they had evidence unimpeachable in the rebukes which our Lord administered to them during his personal ministry on earth—in regard to the marriage relations especially. He argued, therefore, if the tendency of the people was such, while they at the same time retained a legal restraint of this character, the law was not human which they received and retained with this sacred severity—it was imposed on them by the authority of God. But it might be said, "You are not to take anything for binding, because it is written in Leviticus; else, if you admit one, on the same principle you admit all that is found there to be binding still." In reply to that, he said it was necessary, first, to ascertain the subject-matter of the passage, and, secondly, how it had been regarded in time following. They were aware of the interpretation inserted in the Septuagint version—made, in all probability, 277 B. C.—for the 23rd verse of the xxviith chapter of Deuteronomy. It was this, "Cursed is he who lieth with the sister of his wife. And all the people shall say Amen." But that might be considered an interpolation. What, however, they had to rely upon mainly were the doctrines of the apostles of the Christian Church. The right hon. and learned Gentleman had spoken as if it were the object of those who opposed the measure to narrow the rule which excluded the conjugal relation. On the contrary, the bearing of the argument of analogy was entirely the other way. It was clear that, in the transition from the Jewish to the Christian dispensation, all restraints affecting marriage, as to the choice of the person, must become, not more relaxed, but more strict; because the nature of marriage, being more elevated under the Christian dispensation, justified and required the maintenance of the prohibition. But he held that the prohibition was cared for in the New Testament by the decrees of the apostles themselves. The xvth chapter of Acts distinctly stated that certain portions of the Jewish institutions were to be cared for, and form part of the Christian law; and among those portions of the Jewish institutions there was described the general term of πορνείας; to which it was impossible to attach any rational signification unless it was one equivalent to the prohibition of marriages, as known to the Jewish law, within the Levitical degrees. Then we were told that the civil law of the Roman empire was adverse to these marriages, and that the Christian Church became, in consequence, also adverse to them. It was impossible to make a statement more opposed to every rational view of the case; because, in the first place, the prohibition was enforced in the time of the apostles; and, in the second, it was ludicrous to suppose the Roman law was the means of imposing upon the Christian Church a stricter system with regard to marriage. It was obvious, that in the later periods of Rome, down to Constantine, the law of marriage was of a different character. How, then, did the prohibition come? From Christian sources; and it was not necessary to rest it upon the councils of the third century, for it was established in the customs and practice of the church; and being established in the customs and practice of the church, it would naturally attach to the law of the empire when the governing power was Christian instead of heathen. It was admitted, that from that period the case, as to history, was pretty clear; indeed, there could be no doubt that it had from that time through many centuries continued to be the universal and unbroken law of the Christian Church. The practice of the Greek Church maintained it at the present day in the greatest strictness; and the practice of the Roman Church testified that such was the law of the Christian Church. But if we were to speak of the dispensations practised in the Roman Church as being of force sufficient to overthrow the authority of the law with which it dispensed, let one point be recollected—let it be recollected that the evidence of ecclesiastical dispensations dated entirely from those ages of the church when political corruption and administrative abuses were at their highest point, and when the whole machinery of the church had the greatest amount of corruption in it. It was about the period of Innocent III. that the practice of dispensation came in; and the practice of dispensation in these particular cases dated from the example of Alexander VI., one of the greatest monsters who ever filled a conspicuous situation in the history either of the Church or of the world. It was unnecessary for him to enter into the opinions of the Reformers, either of this or any other country, as it was undisputed that they believed these marriages prohibited by the Scriptures as received in all time. He had observed already how very light appeared to be the authority of the modern Jews upon this question. The authority of the ancient Jews was not for but against the proposition of his right hon. and learned Friend; and his right hon. and learned Friend's witness — the most learned man who had been produced to sustain and strengthen the case — stated that the traditional laws of the Jews were against the practice, and that he questioned whether they were not founded upon the texts in Leviticus. But he (Mr. Gladstone) disclaimed the authority of the Jews upon this question altogether. He contended there could not be a greater logical inconsistency than for Christians to accept the modern testimony of Jews as in any degree whatever a criterion of the sense of Holy Scripture. If he were to take the testimony of Jews as a criterion of the sense of Holy Scripture, how far were we to carry the principle? We began our profession by believing that they had altogether failed to attain the sense of Holy Scripture in those points which were most vital and essential, and that, at this day, they were unable to comprehend the very truths of which they had so long been the guardians. That being so, there was not the least reason to follow their interpretation upon one or more particular passages from the Mosaic law. What, then, was the authority with which the opponents of this measure were pressed? With the authority of the modern practice of the Church of Rome, and of certain Protestant States. His right hon. and learned Friend, and others who supported the Bill, were, most of all, fond of dealing with the practice in the United States of America. Now, he wished his right hon. and learned Friend to observe, in the first place, a manifest distinction in the precedents that were quoted. In the United States of America the precedents were exclusively not of alterations in the religious character of marriage, but of the mere legalisation of the civil contract. Not a single case had been quoted by his right hon. and learned Friend, as to America, of marriages having been dealt with as any other than civil contracts. But the question of civil contracts, and legitimatising issue, was not the question now submitted to the House. He did not, however, attach much weight to the authority of the United States of America upon this matter, because the most formidable relaxations had there been introduced into the law of marriage. What would his right hon. and learned Friend say of this fact, that there were certain States in America in which the unlawful intercourse of a married man with an unmarried woman was declared not to be adultery? That was a staggering fact. It showed an extraordinary state of opinion among a community where such a law could be enacted; and he hoped his right hon. and learned Friend would bear it in mind when next he pressed the opponents of the Bill with the authority of the United States of America. So, also, with regard to Protestant States upon the Continent. He was not disposed to copy their example in this matter. We very often hugged ourselves in this country that they were found pursuing our laws and copying our institutions; but with regard to the sanctity of marriage and the observance of its obligations, he did not think the time had arrived for the people of this country to follow the example of any State whatever upon the Continent. He came now to the authority of the Church of Rome; and he must say, that the learned Lord who had preceded him had dealt with this part of the subject in a manner the most fallacious. The law of the Church of Rome, to begin with, was still against these marriages. And he begged to say, that the authentic sense of a great Christian body, particularly of a body so politic as the Church of Rome, was not to be taken from what were stated as extreme circumstances, which she had bound herself to permit, but from that which she had continually and loudly declared. Such, he repeated, was her law; and what was her practice? In certain particular cases, such as England, where a small number of Roman Catholics were mixed with many other persuasions, upon account of this vexed question, she allowed these marriages. But why was it that the Irish Roman Catholics—and he honoured them for their conduct—were opposed to the change? Was there not a strong sentiment among the Roman Catholic community, wherever it existed, not merely in individuals dispersed through the mass, distinctly adverse to the formation of these marriages? His right hon. and learned Friend could not show that the Roman Catholics drew any distinction between these and other incestuous marriages. It had been said the Roman Catholic Church did not claim to dispense with the law of God; but she dispensed with it as to marriage in certain cases, and *ergo in verbâ*, such marriages did not appertain to the law of God. The Roman Catholic Church did not dispense with the law of God in the sense in which she understood it, but she claimed to dispense with it as written in Leviticus. What was the law of God? That was the whole question. About that there could not be a doubt. Now, though the Roman Catholic Church claimed to dispense with the degrees as written in Leviticus, she disapproved of the dispensation in the highest degree. The Council of Trent had recorded an indication of the nature of these dispensations:—

> "In secundo gradu nunquam dispensetur; nisi inter majores principes et ob publicam causam."

So that it was in the most urgent instances only, and for the greatest causes, that these dispensations were to be permitted. The proof, however, was positive and undeniable, that the Church of Rome did assume authority to dispense with the book of Leviticus. He need not remind the House of the case of Henry the Eighth—the case of a brother's wife—and other instances of a similar kind, expressly forbidden in the book of Leviticus, in which the Church of Rome had dispensed. Although, therefore, she might be willing that we should consider her power and authority to relax obligations which every persuasion in Christendom considered binding, she had no authority to enable or assist the House to prove that the written word of God did not contain a prohibition of these marriages. There could be no doubt that at this moment something like five-sixths of Christendom observed the prohibition. It was their law, and it had been observed uniformly and constantly, whilst dispensations from it dated from a period of the grossest corruption. They were founded, as he had shown, upon the practices of men whose example ought to be a warning instead of an inducement for that House to follow. What, in the next place, was the argument advanced as to social interests? The records which the promoters of the Bill had furnished, would, he thought, put an end to the assertion that it was for the poorer classes of the community they were called upon to legislate. Nothing, he contended, could be clearer than that they were bound to the maintenance of the present law; and this had been set forward with great good sense by Mr. Tyler, in a document received by the commission. But what was the argument of the commissioners? To prove that it was unjust to interfere with natural liberty in this respect. With regard to the argument of natural liberty, that was disposed of by an appeal to the Divine law. But who were the parties that would be affected by the change? They were, in the first place, the very persons who wished to contract these forbidden marriages. It was open to him, he thought, to say it would be doing them but a left-handed favour to relax the Divine law, in order to enable them to make a contract which they considered for their interest. In a Parliamentary sense he would admit they must be considered the best judges of their interest, for the House was not entitled to impose upon them its sense of the Divine law merely because it commended itself to their conscience. But, after all, those who wished to contract these marriages were but a small proportion of the persons who would be affected by the change. He went, however, from this class to another. Take the case of the children of a first wife. The House was appealed to upon the ground of their interest. He received that appeal; and upon the grounds of that appeal he refused to assent to this Bill. No doubt the children of the first wife derived an inappreciable advantage from the care of the sister of their mother after her death. She stood to them in a natural relation, approved by God and man; and, mindful of the tenderness which united her to one now removed, she carried the overflowings of her tenderness to the offspring of the beloved person who had been called away. But what was the effect of mixing with this natural relation a relation contrary to nature, as it had been considered for three thousand years? You introduced the character of stepmother, to mix with the character of the sister. Was the addition of the character of a stepmother, which was proverbial for the jealousy it stirred up, likely to increase the affection of the sister of the deceased for her children? On the contrary, by adding the new relation, you perverted the former one. You introduced cross feelings, cross interests, which were infinitely more likely—he did not say in all cases—to take away that attention which, under the law as it stood, could not fail to be bestowed upon the children. And what should he say of persons standing in the relation of widower and sister-in-law, who did not wish to marry? Were they to be entitled to no consideration? His right hon. and learned Friend did not wish to alter their relation; but would not their feelings be lowered, if not tainted, by the change which his right hon. and learned Friend invited the House to make? The words "brother-in-law" and "sister-in-law," which were used in a colloquial sense, did but ill represent the idea they meant to convey. The sense of them was this—that brotherhood by affinity ought to be practically the same as brotherhood by blood; and he spoke a truth to which almost universal experience would bear testimony, when he said that brotherhood-in-law and sisterhood-in-law in this country was not a mere fiction of the law, but that it was realised in practice; and that they approached so nearly to relationship by blood, that, in the vast majority of cases, a practical distinction could not be drawn. If so, the House was required by it to exclude the possibility of marriage. He stood upon the general principle, that in all cases where age was suitable to a domestic relation, there ought to be no power to form a conjugal engagement. It was vain to tell him that laws could not control feelings. He admitted that laws were not the sole agent in the formation of social feelings; but they were a material auxiliary, and they had great effect in determining whether they should be promoted or discouraged. The principle that, where domestic relationship subsisted, conjugal relations should not be formed, lay at the root of the structure of society. By the domestic relation you knit individuals in families; by the conjugal relation you bound families together, and consolidated the whole fabric of social union. But if you permitted domestic and conjugal relations to be confounded, you aimed directly at the foundation upon which all Christian society was organised. It appeared to him that not only the intercourse of those who were widowers with their sisters-in-law, but the intercourse of all married men who were not widowers was threatened and menaced by the change which his right hon. and learned Friend proposed. Nay, more, even the purity of sisterly love itself, which afforded, perhaps, the most beautiful picture, when it was manifest in its perfection, which it was given to human eyes to witness upon earth, and was redolent of heaven more than any other object with which we could be conversant, was threatened to be tainted by the invasion of possible jealousies, if the House was led to accept this ill-omened proposal. He had only one more point to put. He wanted his right hon. and learned Friend to tell the House where this legislation was to stop? We had at this moment a law perfectly definite, for we stood upon the known and unchanged law of the land from time immemorial. We stood upon the public sentiment, uniform and universal in Scotland and Ireland, and general in England. We stood upon that which the great mass believed to be the declared and positive injunction of the word of God. We stood upon that which we know to have been for many centuries the uniform practice of Christendom, and which was the general practice of Christendom at the present hour. Such was the basis upon which we stood; and it was that basis which his right hon. and learned Friend was bound to show to be unsound. Upon what basis did his right hon. and learned Friend stand? What were the limits of the voyage which he invited the House to undertake? Who was the pilot to guide them? Were they to stand upon expediency, and say, because there was a multitude of these persons, it was safe to make this change, and they would be called upon for no more hereafter? He could understand that argument very well if the House was not dealing with a question of such deep solemnity, and if it was borne out by the facts. But he pressed his right hon. and learned Friend exceedingly for an answer to this question, because it was vitally important—where would he stop? If this Bill passed, would not another be introduced to meet other cases? His right hon. and learned Friend did not even now confine himself to cases of marriage with a wife's sister, for he proposed to provide for cases of marrying a wife's niece, as well as her sister. But there were, he apprehended, very few cases where a man wished to marry his wife's niece. He wished to know if his right hon. and learned Friend was prepared to take his stand on the letter of the Scripture? Did he mean to say, "I bind you to the letter of Leviticus, and to nothing else?" If his right hon. and learned Friend took that course, he would leave them open to the most horrible incests. There were three cases of incest that excited the greatest horror in the mind when they were referred to. They were incest with the mother, with the daughter, or with the sister. Of these the first named was the only one that was prohibited in Leviticus. In the authorised translation the word "sister" was introduced, but on reference to any other version except ours, it would be seen that the allusion was only to the half-sister, and that neither the full sister nor the daughter were mentioned in the book. He might be told that in this country the sentiment of horror which rose in the breast of every man when the crimes were mentioned, would be a sufficient protection against the principle being carried further. It was perfectly true that that sentiment of horror existed—it was sustained by the law of nature. But what was the law of nature? Would it be contended that the law of nature was a fixed and definite code, independent of the laws of religion? He would wish to know when the law of nature had been developed in that form? It was true that the law had always existed in one form or other—that there was always a feeling in the human heart repugnant to the commission of certain crimes. As Juvenal sung:—

> "Naturæ imperio gemimus, cum funus adultæ
> Virginis occurrit, vel terra clauditur infans,
> Et minor igne rogi."

But how was the law of nature cherished and developed except by the law of religion? He would call upon the House to recollect that the law of nature depended on the law of Christianity. They could not keep the law of nature, and get rid of the law of religion. It was Christianity which showed what were the demands, the capacities, the obligations of nature, and therefore the answer to the question, "What was the law of nature?" depended on the answer to the previous question, "What was the law of Christianity?" If that were so, then his right hon. and learned Friend, in taking the law of Christianity, took also the law of nature. He did not mean that his right hon. and learned Friend would lead them to the horrors to which he had before alluded, or that any one present would live to see them legalised; but he knew that there were opinions entertained by some persons that went much farther than this Bill, and that the doctrine was held by some that there was no incest except in cases of consanguinity. He believed that if they allowed this Bill to pass, they should be assailed by other applications for a further extension of its principle. It was right to understand what the law relating to prohibited degrees was. In some instances there were two prohibitions contained under one head; but, separating these, he found that there were in all thirty-five cases of prohibition. Of these only seventeen were prohibited by Scripture, while the remaining eighteen were lying out of the letter of Scripture though provided by the Church. He did not mean that the law of the Church was wholly independent of the Scripture in these matters; but what he meant was, that these prohibitions were established by the Church, interpreting according to her functions the letter of the Scripture. He hoped that under these circumstances the House would not hesitate to reject this Bill — that it would on this question be disposed to respect the general sentiment of nearly the entire country—that it would not inflict upon the Church the misfortune of having anarchy introduced among its ministers; and he hoped that on similar grounds they would do all that in them lay to maintain the strictness of the obligations of marriage, and the purity of the hallowed sphere of domestic life.

Mr. STUART WORTLEY replied. He said, that after the two remarkable speeches that had been delivered by his hon. and learned Friend the Member for the University of Dublin, and his right hon. Friend who had just sat down, he found the difficulties of his position, at any time of an overwhelming nature, much increased. But he believed that, after the decisive opinions that had been expressed, and the full manner in which the subject had been argued on both sides, it was now the wish of the House to express its decision on the merits of the case. Under these circumstances, and having already received the indulgence of the House while he had on a former occasion laid before it some portion of the arguments on which he maintained the justice of the measure, he would at present confine himself in his remaining observations to the briefest possible space. He had regretted much the delay that had already accompanied this measure; but it had at all events been attended with this advantage, namely, that it had tested by a most satisfactory issue the feelings of the country on the subject. Every effort had been made to excite public opinion against the Bill. Members of that House, of great respectability and of great personal weight, had attached their signatures to circulars that had been sent round; and the object clearly was, to induce the Church to excite the whole country to join in opposition to this Bill; and yet, with all these efforts, the petitions against the measure only contained 13,000 signatures, while those in favour of it had more than 30,000 signatures, besides the petitions that had been recently sent in, and that contained 7,000 or 8,000 signatures more, making nearly 40,000 signatures in all. And of these, with one remarkable exception—that of a petition containing 5,000 or 6,000 signatures—there was not one of them that had not the residence and occupation of the subscribers, proving that they contained the opinions of the thinking and educated classes of society. He held in his hand one of the circulars that had been sent out, and had been returned to him by the clergyman to whom it had been forwarded. It contained a form of petition recommended for adoption, and was accompanied by a circular signed by six Members of Parliament, all of great weight and influence. He believed that he was justified, from the tone of this circular, and other facts that had come to his knowledge, in saying that every possible effort had been made to excite the Church against this measure; but still only a very small number of clergymen could be induced to take part against the Bill, while a considerable proportion were in its favour. The right hon. Gentleman the Member for the University of Cambridge led the opposition to this Bill, and a petition from that university had been presented against it. But though, as they had been reminded, Cambridge was one of the universities that had been consulted about the marriage of Henry VIII., and that gave its opinion that the proposed marriage was against the word of God, it was remarkable that in their present petition they did not say one word as to the principle of this Bill being contrary to the Scripture. Besides, Dr. Philpots, one of the heads of houses, and who, he felt bound to add, was no relative of the bishop of that name, and three other heads of houses, voted in the minority. He should only say one or two words in vindication of his brother commissioners from the imputations that were cast upon them. It was said that all the witnesses with respect to the general question of the operation of this law, were more or less favourable to the change proposed. But the commissioners were appointed to investigate the claims of those who came to Parliament with grievances, and who sought redress; and they necessarily were called upon to state their complaints. But the commissioners invited every person who had an opinion to offer to come forward; and when the hon. Member for Dover put a question to him on the subject in private, he requested that the question might be repeated in public, and on that occasion he stated openly in the House how the entire inquiry stood, and how anxious he and his brother commissioners were to receive any evidence that might be offered. They examined five clergymen on one side of the question, and five clergymen on the other side, with regard to the practice in celebrating these marriages; but happily the question of scriptural prohibition had not been referred to them. His right hon. Friend had asked him how far he meant to go in altering the law of marriage; but he would tell his right hon. Friend at once that he meant to stand by this Bill, and that he had no intention to go farther, and he believed no such intention was entertained in any quarter. If any attempt to extend the principle farther were made hereafter, he would be ready to join his right hon. Friend in offering every opposition to it. He believed that the provision which was sought to be got rid of by this Bill, had been hastily introduced, for the first time, in 1835, into the common law of the country. Up to that time there was no hindrance in law to these marriages, which he believed in his conscience to be not only justified, but expressly allowed, in Scripture. His right hon. Friend had stated that this was an attempt to draw within the sphere of Parliament the Christian belief. The object of the Bill was the very contrary, as it was to withdraw from human legislation a control, which up to 1835 had never existed. For the first time, in 1835, they bound human conscience by presumptuously saying that these marriages should not take place. He only asked them to restore the liberty of entering into these marriages in cases where a conscientious belief was entertained by the clergyman celebrating them that they were not against the law of God. He should be ashamed to stand at that table to support the Bill if he believed it to be contrary to the law of God. His hon. and learned Friend the Member for the University of Dublin, in arguing this part of the case, seemed to forget that they had a positive injunction—a positive and unalterable law—laid down by the Author of Christianity, that "They whom God joins together no man shall put asunder;" and yet the law, as it now stood, put asunder those who believed that they were joined together by the law of God. It was said that they wanted to compel clergymen to celebrate these marriages. He held in his hand a pamphlet, written, he regretted to say, by a clergyman of the Church of England, in which so little attention was paid to facts that this assertion was put forward. In the third edition, however, the error was removed, and the very contrary was stated to be the object of the Bill; and yet this alteration was made without even a foot note alluding to the mistake that had been made in the previous editions. He regretted to add, that the clergyman who had been capable of this conduct was no other than the distinguished author of *The Christian Year*. His hon. and learned Friend had argued whether this was a marriage that a cautious and prudent clergyman would celebrate; but it should be recollected that the law of the Church would still remain the same, and that the influence of the Church over its clergy and members would continue as heretofore. His object was a very narrow one—to restore, as far as he could without inconvenience, the state of the law as it existed before 1835. But he had himself stated, at the outset of the debate, that there were many men who thought the prohibitions against marrying the husband's brother were much stronger than those against marrying the wife's sister. ["Divide!"] He would hurry to the consideration of the interpretation put upon the book of Leviticus. ["Divide, divide!"] He assured hon. Members that he was attending to the hour, and would close his observations in time for the division to take place. Those hon. Gentlemen who had spoken upon the subject, considered the marriage with a wife's sister to be one of the abominations of the Canaanites. The right hon. and learned Gentleman then proceeded to refer to the argument in regard to the prohibition in Scripture of practices described as the abominations of the Canaanites, and insisted that the 18th verse of the xviiith chapter of Leviticus did not prohibit the marriages in question. In the Greek Church the marriage of two brothers with two sisters was considered incestuous, and prohibited on the ground that man and wife being one flesh, the brother and sister of the husband or wife were actually brother and sister of both. He was prepared to have gone into the history of those prohibitions, so as to show that from the earliest time they were the subject of grave and serious deliberation; but want of time prevented him. One subject he should, however, touch upon. It had been alleged that the poor had no interest in the question. He held in his hand several communications which he had received from clergymen of the most populous parishes—from St. Pancras (London), from Sheffield, and elsewhere—urging the great importance of the proposed alteration in the law to the poor. ["Divide, divide!"] He had always opposed the setting down of the Bill for a Wednesday. He regretted that he had no time left for replying further to the objections, which he was fully prepared to meet, and that he should now leave the Bill to the result of the division.

Colonel THOMPSON said, one minute for a case of conscience, and there was not a Member in the House who would be content with less. He was very anxious to support the Bill, so far as related to marriage with a deceased wife's sister; but he could only vote for the second reading on the understanding that if the passages relating to marriage with a deceased wife's niece were not expunged in Committee, he must vote against the third reading.

Question put.

The House divided:—Ayes 177; Noes 143: Majority 34.

List of the Ayes.

Abdy, T. N.
Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anson, hon. Col.
Bagshaw, J.
Baines, M. T.
Baldwin, C. B.
Baring, rt. hon. Sir F. T.
Baring, T.
Barnard, E. G.
Barrington, Visct.
Bellew, R. M.
Birch, Sir T. B.
Blewitt, R. J.
Brackley, Visct.

Broadwood, H.
Brocklehurst, J.
Bromley, R.
Brotherton, J.
Brown, H.
Brown, W.
Bruce, Lord E.
Bruce, C. L. C.
Bunbury, E. H.
Buxton, Sir E. N.
Cardwell, E.
Carter, J. B.
Caulfeild, J. M.
Cholmeley, Sir M.
Christy, S.
Clay, J.
Cobden, R.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Colvile, C. R.
Copeland, Ald.
Crowder, R. B.
Currie, R.
Davies, D. A. S.
Dodd, G.
Drumlanrig, Visct.
Duncan, Visct.
Dundas, Adm.
Ebrington, Visct.
Ellis, J.
Ferguson, Sir R. A.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, W. J.
Frewen, C. H.
Galway, Visct.
Gibson, rt. hon. T. M.
Granger, T. C.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Harcourt, G. G.
Harris, R.
Hastie, A.
Hawes, B.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heathcote, G. J.
Heneage, E.
Henry, A.
Heywood, J.
Heyworth, L.
Hill, Lord M.
Horsman, E.
Howard, hon. C. W. G.
Hutt, W.
Jackson, W.
Jervis, Sir J.
Jocelyn, Visct.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Keogh, W.
Keppel, hon. G. T.
Ker, R.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. E.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Littleton, hon. E. R.
Macnaghten, Sir E.
Marshall, J. G.
Marshall, W.
Martin, J.
Martin, C. W.
Martin, S.
Masterman, J.
Matheson, A.
Matheson, Col.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Moody, C. A.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
O'Brien, J.
O'Brien, Sir L.
Ogle, S. C. H.
Paget, Lord A.
Parker, J.
Pearson, C.
Pechell, Capt.
Philips, Sir G. R.
Pigott, F.
Pilkington, J.
Powlett, Lord W.
Pryse, P.
Pugh, D.
Repton, G. W. J.
Rice, E. R.
Robartes, T. J. A.
Romilly, Sir J.
Rufford, F.
Russell, hon. E. S.
Russell, F. C. H.
Rutherford, A.
Salwey, Col.
Sandars, G.
Scholefield, W.
Scrope, G. P.
Seymour, Lord
Shafto, R. D.
Sidney, Ald.
Smith, J. A.
Smith, M. T.
Smyth, J. G.
Smythe, hon. G.
Somerville, rt. hn. Sir W.
Spooner, R.
Stansfield, W. R. C.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Talbot, C. R. M.
Talfourd, Serj.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Towneley, J.
Townshend, Capt.
Trelawny, J. S.
Tufnell, H.
Vane, Lord H.
Vivian, J. H.
Waddington, H. S.
Wall, C. B.
Walmsley, Sir J.
Wawn, J. T.
Westhead, J. P.
Wilcox, B. M.
Williams, J.
Willyams, H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Worcester, Marq. of
Wrightson, W. B.
Wynn, rt. hon. C. W. W.
Wyvill, M.
Young, Sir J.

TELLERS.

Denison, E.
Wortley, J. S.

List of the NOES.

Acland, Sir T. D.
Adare, Visct.
Arkwright, G.
Ashley, Lord
Bagot, hon. W.
Bailey, J.
Baillie, H. J.
Baldock, E. H.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Berkeley, C. L. G.
Bernard, Visct.
Boldero, H. G.
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Brooke, Lord
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Campbell, hon. W. F.
Carew, W. H. P.
Chichester, Lord J. L.
Clive, hon. R. H.
Clive, H. B.
Cocks, T. S.
Cole, hon. H. A.
Coles, H. B.
Compton, H. C.
Conolly, T.
Currie, H.
Deedes, W.
Denison, J. E.
Disraeli, B.
Divett, E.
Douro, Marq. of
Drummond, H. H.
Duckworth, Sir J. T. B.
Duff, J.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Dundas, G.
Du Pre, C. G.
East, Sir J. B.
Ebrington, Visct.
Estcourt, J. B. B.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Floyer, J.
Forbes, W.
Fordyce, A. D.
Fuller, A. E.
Gladstone, rt. hon. W. E.
Goring, C.
Greenall, G.
Greene, T.
Grogan, E.
Guest, Sir J.
Gwyn, H.
Haggitt, F. R.
Hale, R. B.
Halsey, T. P.
Hamilton, G. A.
Henley, J. W.
Hervey, Lord A.
Hildyard, T. B. T.
Hodges, T. L.
Hodgson, W. N.
Hood, Sir A.
Hope, Sir J.
Hope, A.
Hornby, J.
Hotham, Lord
Jones, Capt.
Law, hon. C. E.
Legh, G. C.
Lewisham, Visct.
Lincoln, Earl of
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Lopes, Sir R.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, W. F.
Maitland, T.
Manners, Lord C. S.
March, Earl of
Maunsell, T. P.
Miles, P. W. S.
Miles, W.
Monsell, W.
Mullings, J. R.
Mundy, W.
Napier, J.
Neeld, J.
Nicholl, rt. hon. J.
Nugent, Lord
O'Connell, J.
O'Connell, M.
O'Flaherty, A.
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, F.
Plowden, W. H. C.
Plumptre, J. P.
Portal, M.
Prime, R.
Pusey, P.
Raphael, A.
Reid, Col.
Richards, R.
Rushout, Capt.
Sandars, J.
Seaham, Visct.

Sheil, rt. hon. R. L.
Sheridan, R. B.
Simeon, J.
Smollett, A.
Stafford, A.
Stanley, E.
Stanton, W. H.
Sullivan, M.
Tenison, E. K.
Thesiger, Sir F.
Trevor, hon. G. R.
Trollope, Sir J.
Turner, G. J.
Vivian, J. E.
Walpole, S. H.
Walsh, Sir J. B.
Walter, J.
West, F. R.
Williams, T. P.
Wood, W. P.

TELLERS.
Inglis, Sir R. H.
Goulburn, H.

Main Question put and agreed to.

Bill read 2°, and committed for Wednesday 4th July.

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow without putting the Question.

HOUSE OF LORDS,

Thursday, June 21, 1849.

MINUTES.] PUBLIC BILLS.—1ª Administration of Justice (Ireland).

Reported.—Sheep Stealers (Ireland); Grand Jury Cess (Ireland); Passengers.

PETITIONS PRESENTED. By Lord Denman, from Salop, Northiam, and other Places, in favour of the Affirmation Bill.—By the Bishop of Exeter, from East and West Flagg, for an Alteration in the Poor Laws.—From Crewkerne and Tiverton, against the Admission of Jews into Parliament.—From Brighton, for Extending the Jurisdiction of County Courts.—By Lord Wharncliffe, from R. Brain, for the better Ventilation of Mines.—From Chard and Ilminster, for an Alteration in the Licenses of Public Houses.—From Kincardine O'Neil, for the Suppression of Seduction and Prostitution.

THE WAR IN ITALY.

The EARL of ABERDEEN said, that perhaps the noble Lord (Lord Eddisbury), who was connected with the Foreign Office, would state when Her Majesty's Government would be prepared to lay on the table of the House the papers relating to the war in the north of Italy?

LORD EDDISBURY said, that he could not inform the noble Earl without communicating with the noble Lord at the head of the Foreign Department.

The EARL of ABERDEEN said, that it was now nearly three months since the noble Marquess opposite (the Marquess of Lansdowne) stated that these papers would be presented before the Easter recess. Since then, he (the Earl of Aberdeen) had made many attempts on the subject, and they had now arrived at Midsummer without apparently approaching the object which they had in view. The noble Baron had given no reason whatever for the non-production of these papers. The noble Baron must recollect that he (the Earl of Aberdeen) knew the Foreign Office as well as he did, and he would undertake to say, let the papers be what they might, that they could have been presented more than a month ago. It was for their Lordships to judge why these papers were delayed, and, above all, of the want of respect which had been shown by the Foreign Office to their Lordships' House in this matter.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 21, 1849.

MINUTES.] PUBLIC BILLS.—1° Marriage (Scotland); Judgments (Ireland).

2° Marriages in Foreign Countries Facilitating.

3° Assaults (Ireland).

PETITIONS PRESENTED. By Mr. George Thompson, from Market Drayton, for the Adoption of Universal Suffrage.—By Mr. Cowper, from St. Albans, for the Clergy Relief Bill.—By Mr. Napier, from Dromore, against, and by Mr. Beckett Denison, from Snaith, Yorkshire, in favour of, the Marriages Bill.—By Mr. Baring Wall, from Islington, against, and by Lord Ashley, from St. Clement Danes, in favour of, the Sunday Trading (Metropolis) Bill.—By Mr. Miles, from Axbridge, for Repeal of the Duty on Attorneys' Certificates.—By Lord Dudley Stuart, from the Letterpress Printers of London, for Repeal of the Duties on Paper, &c.—By Mr. Alexander Hastie, from Glasgow, for the Bankrupt Laws Consolidation Bill.—By Mr. Clay, from Kingston-upon-Hull, for the Cruelty to Animals Bill.—By Mr. G. Hamilton, from Members of the Irish Branch of the United Church of England and Ireland, for Encouragement to Schools in Connexion with the Church Education Society for Ireland.—By Sir F. Thesiger, from the Attorneys and Counsel of the Palace Court, against the Palace Court (Westminster) Bill.—By Lord Nugent, from Yarmouth, and a Number of other Places, for an Alteration of the Poor Law.—By Mr. Corbally, from the Electoral Division of Rathfeigh, in the County of Eastmeath, for an Alteration of the Poor Law (Ireland).—By Mr. Greene, from several Places in Lancashire, for the Suppression of Promiscuous Intercourse.—By Mr. Gibson Craig, from Edinburgh, for an Alteration of the Public Health (Scotland) Bill.—By Lord Ashley, from Bath, for an Alteration of the Sale of Beer Act.—By Mr. Pryse Pryse, from Aberystwith, for an Alteration of the Small Debts Act.—By Lord Rendlesham, from Campsie, Stirlingshire, for deciding International Disputes by Arbitration.

MEDICAL OFFICERS OF THE ARMY AND NAVY.

SIR DE L. EVANS rose to bring under the consideration of the House the claims of the medical officers of the Army and Navy to military rewards and distinctions. He observed that though the Motion had no party attractions and little public interest, it concerned a body of 2,000 gentlemen engaged in the service of their country. His object was, that medical officers should be placed on the same grade as they held in the armies of the continental Powers. It might be said they were civil officers; but this was no ground for depriving them of the distinction now sought. Previous to the last war, the naval and military exertions of this country were only transient and intermitted; and hence it had probably arisen that the claims of those important officers had been overlooked. There were other classes of officers who might equally well be excluded from the distinction, because of their non-military character. The engineers, though employed to superintend and direct, and even to lead in storming parties, were not commonly engaged in battle; and the same remark applied to the commissariat department. He would refer to the Baltic expedition, to former wars in India, and to the Peninsular war, to point out the benefits which had been derived from the services of the medical officers. He asked nothing special or peculiar for these officers, beyond the rank they enjoyed in every other European army. Napoleon had included the medical officers in his decorations, observing that it was impossible for their important services to be performed with zeal and efficiency unless they enjoyed the same honours as the rest of the Army. The civil officers in the Army had a greater ground of complaint than ever against the Government in consequence of some recent alterations which had been made. He thought it a matter of reproach to the country that no military distinctions had been conferred on such men as Sir James M'Grigor, Dr. Howell, and Mr. Guthrie. He trusted the Government would now be disposed to give a favourable consideration to the claims of medical officers. In 1847 Sir Howard Douglas bore the highest testimony to their eminent services. It was true they did not go to fight in the front rank, but they were often called there in the performance of their duties, and on such occasions they were never found wanting. Mr. Guthrie had been twice wounded in the Peninsular war. If his resolution was favourably received by the Government, he hoped that the services of eminent medical men who were now living would not be forgotten.

MR. HUME seconded the Motion on the principle which had been laid down by Napoleon, that every man who served his country, and who served in the army, ought to be considered all equally useful, and entitled to the same rewards. In former times the value of a good commissariat, or of a good medical staff, was scarcely ever considered, and instances had occurred of whole armies being destroyed for want of a good commissariat department. So, on the other hand, in earlier periods of our history, more armies were destroyed by disease than by the sword. A change had happily taken place, though England was behind other countries in these matters. Thus France was the first to see the vast importance of making the two departments of the commissariat and the medical perfect. During the last twenty years our army abroad had been reduced by five-sixths. Perhaps it would be scarcely believed by some hon. Members who did not recollect the fact (as he did), that by the mortality in the army in Jamaica and Ceylon respectively, it was ascertained there was a loss of from seven to eight men out of every ten formerly. But by a better system of medical superintendence, British troops were now maintained in Jamaica with as little loss, he believed, as the Foot Guards in Westminster. This blessing was owing to the science of medical men, and the erection of barracks in elevated and healthy situations. He thought that by neglecting the claims of the medical profession a stigma was cast upon science and learning.

Motion made, and Question proposed—

"That efficiency and economy in respect to Armies in the field considerably depend on the ability, energy, and zeal of the Medical Officers attached to them:

"That the history of every war proves that this class of Officers while so employed have been killed, wounded, or made prisoners, and that the nature of their duties unavoidably exposes them to those casualties:

"And that as they thus share in the dangers and fatigues of war, as well as in some of its most essential duties, it is not expedient or just that they should be excluded from a share of honorary distinction or reward, in proportion to their relative rank and the relative importance of their respective services."

LORD J. RUSSELL said, his right hon. Friend the Secretary at War was more competent than he was to enter fully into the subject which had been brought forward by the hon. and gallant Officer. But as his right hon. Friend was not present, he would beg to say a few words upon the Motion. In the first place, he admitted most fully the great merits of the medical officers of the Army and Navy; and he thought that his hon. Friend the Member for Montrose had only paid a just tribute to the value of those officers' services. He had stated most truly that the mortality among our troops had greatly decreased; and that this was owing chiefly to the reports and the science of the medical men in the service of the Army. He should be sorry, therefore, if anything he (Lord J. Russell) said was considered as doing away with or taking away from the statements by his hon. Friend with regard to the value of those services. He thought his hon. and gallant Friend the Member for Westminster, in making this Motion, had better have placed it on the ground that those officers were non-combatants, who performed their services admirably, though of a different nature, rendering the utmost steadiness of nerve indispensable; and, therefore, the country was deeply indebted to them for the saving of many lives which would otherwise be lost in consequence of wounds received on the field of battle. When the hon. and gallant Officer said that the officers of the Engineers were non-combatants, and that when they were ordered to mount the breach they had not to fight, he must say it appeared to him that this was the most dangerous service to which an officer could be exposed. With regard to the case of medical officers, he thought the House could hardly say that they were excluded from all rewards, because it was well known that when medals had been awarded they had been awarded to medical officers as well as to other officers who were present. Nor would it be just to say that other civil rewards were withheld from medical gentlemen who had distinguished themselves in the medical department of the service. Thus Sir James M'Grigor had been made a Baronet; Sir Charles Forbes and others, from time to time, had received the honour of knighthood. But he quite agreed in thinking that as the Order of the Bath had been established with regard to companions and knights to apply equally to military as to naval services, it might be a question whether those honours might not be conferred on the medical officers of the respective services. He would rather take an opportunity of conferring with the Commander-in-Chief, the Secretary of State for the Home Department, and the Secretary at War, before he said in what way this could be done. He knew that there had been a consideration of the case of distinguished medical officers, and it was felt that something might be done. But he thought this was more properly a subject for the Executive than for that House to deal with. Therefore if his hon. and gallant Friend persisted in pressing his Motion, he should move the previous question.

The Question having been again put with the Amendment,

Colonel DUNNE said, that whatever might be the decision of the hon. and gallant General as to putting the question before the House, he thought the officers of the medical service would feel much indebted to him for bringing the subject forward; and he was sure there was no military man who would not join the hon. and gallant General in the eulogy which he had passed upon the medical officers. A question had been raised as to whether these officers were placed in the same situations of danger and peril as other officers. He, as a military man, maintained that they were. He hoped that the claims of those officers who had seen a great deal of service, although they might not have been actively engaged, and who had not hitherto been rewarded, would be considered entitled to receive some honorary distinction from the Government.

Sir De LACY EVANS was not disposed to resist the proposal of the noble Lord; and he hoped the claims of the medical officers would not be neglected by the Government. Four officers in India had recently been made Companions of the Bath, for specially civil services, a circumstance, he thought, that made the case stronger with regard to the medical officers.

Colonel THOMPSON said, the answer of the noble Lord had been so satisfactory to every Member who took an interest in the subject, that he was sure they would each of them have been glad if the ceremony of putting the previous question could have been dispensed with. Whether the forms of the House would now allow it or not, he was glad to have had an opportunity of expressing his feeling.

Sir C. M. BURRELL thought the services of the medical officers of the Navy, especially in time of war, entitled them to share in the same honorary rewards as the other officers of the service enjoyed.

Captain PECHELL hoped that the claims of the medical officers of the Royal Navy, although they had not been taken much notice of in the course of this discussion, which had been chiefly confined to the medical staff in the Army, would not be allowed to be prejudiced by that circumstance.

Sir De LACY EVANS certainly never intended to slight the medical officers of the Navy, whose claims he had no doubt would be considered by the Government conjointly with those of the medical staff of the Army. After the assurance he had received from the noble Lord at the head of the Government, he would consent to withdraw his Motion.

Whereupon Previous Question proposed, "That that Question be now put."

Previous Question and Motion, by leave, withdrawn.

MAINTENANCE OF THE INDIGENT POOR.

Lord NUGENT having presented a number of petitions in favour of the Motion of which he had given notice, said, that he was aware that this subject might not be considered a very inviting one, especially at that hour, when invitations of a more agreeable and convivial character attracted the attention of hon. Gentlemen. But at the same time the question was one of no small national importance; and he must crave the indulgence of the House whilst he endeavoured, as briefly as the nature of the subject would admit, to lay his own views with regard to it before them. Great inequality and grievous hardship to the ratepayers and all classes of the community resulted from the present mode of levying the rate collected for the support of the poor; but he frankly admitted that he would have no right to ask for an inquiry unless he could point out a means by which that inequality and these hardships could be removed. His object would be, first to point out the hardships arising under the existing system; and then he would take the liberty of suggesting the plan by which he believed they could be redressed. He would point out first the grievance in the present mode of rating, and he believed he should be justified in dealing with it as an acknowledged grievance. Before doing so, he begged to call attention to the principles of the Poor Law Amendment Bill of 1834; but he was not at all disposed to say, that any of the grievances of the present system were imputable to the law of 1834, further than must always follow in the wake of any law that gives to the contributions for the poor a local instead of a general character. There was one subject on which he feared he would be found holding a different opinion, in some respect, from most of the petitioners whose petitions he had had the honour to lay before the House, most of them being petitions for retaining a local supervision and control over the administration of the funds. The guardians of the poor were considered, whether justly or not, by the poor who are the objects of relief, as persons actively employed in bringing down that relief to the lowest practical minimum. The guardians of the poor were considered by the poor, he thought not without reason, and he did not say so disrespectfully or invidiously, to be guardians of their own purses as well as of the ratepayers', and as such to be jealous scrutineers of the demands that were made upon them. The representative system in the board of guardians had been likened to the system of representation of that House; but nothing could be more untrue, nothing could be more opposite to the fact. They sat in that House, or were supposed to sit in that House, delegated by a class, all of whom were equally interested; but the board of guardians represented the ratepayers only, and were sent by the ratepayers to act between them and the poor. That arose because there was in operation a system of local, parochial, and district contribution, instead of a system of general contribution. As long as they had a system of settlement and removal, so long they must retain their system of local contribution, and so long must they have a system of local government. In the next place, he would refer to the difficulties that exist in generalising the contributions for the relief of the poor; and, thirdly, he would suggest the means by which he thought those difficulties would be removed. With regard to the inequality of the rates, he would say that the rate of assessment—the per centage on rateable property, which ought undoubtedly, supposing property to be fairly rated to be equal—varied to the most enormous extent throughout the area of rateage in this country; it varied in no less a degree than from a farthing in the pound to 14*s.* in the pound. He would next call attention to the fact, that in the metropolitan unions, in 1847, the indoor maintenance of all the poor of all the unions constituted by the Poor Law Amendment Act, amounted to a sum of 769,690*l.*; and in the year ending Lady-day, 1848, it had increased to 955,700*l.* The establishments and salaries in 1847 cost 672,420*l.*; and in the year ending 1848, 970,988*l.* The establishments and salaries alone, in the latter case, then, exceeded by 15,000*l.* the whole charge for the indoor maintenance of all the poor, under the Poor Law Amendment Act. He would next call attention to another paper, which presented a still more astounding return. He found by it, that the rates expended in England and Wales, during the year ending 12th March, 1848, amounted to 8,047,489*l.*; of this sum, about 6,108,765*l.* was expended for the relief of the poor, and the residue of nearly 2,000,000*l.* was applied to the payment of various items. This was one of these items to which he begged particularly to call attention. It appeared that 214,711*l.* was expended under the head of "money expended for other purposes." The poor parishes were more heavily taxed than the rich ones, as would be found by the report of Mr. Hall, then one of the Poor Law Commissioners, in the sixth report of the Committee of 1847. In Bermondsey, the rate was *3s. 5d.* in the pound; in West London Union, including Saffron-hill, &c., 2*s.* 9*d.*; in East London, 2*s.* 4¾*d.*; St. Saviour's, 2*s.* 10*d.*; Bethnal-green, 2*s.* 3¾*d.*; but in the parish of St. James, Westminster, the rate was only 1*s.* 1½*d.* in the pound; and in St. George's, Hanover-square, 9*d.* in 1847, and now only 7¾*d.* in the pound. Less than one quarter of the amount in one of the four parishes specified, much less than one-third of the amount in two others, and less than one-fifth of the amount in Bermondsey. Moreover, the rate was always less in proportion to the value of the property rated. He would not pause to comment on the subject of royal residences, universities, or cathedral precincts; nor would he dwell upon the fact that there were two pretty large commercial establishments—one in Leadenhall-street, the other in Threadneedle-street—known as the East India House and the Bank of England, neither of which contributed to the support of the poor. Why was this? Because those are rich parishes, and there are very few poor in them. He had obtained a return laid before the House last Session, from which it appeared that there are in England and Wales 1,650 parishes and townships rated between a farthing and 6*d.* in the pound; 3,327 rated from 6*d.* to 1*s.*; 8,380 from 1*s.* to 4*s.*; and 383 from 4*s.* to 14*s.* Here was a difference in the rating of no less than from a farthing to 14*s.* in the pound, and that not taking into account the extra-parochial parishes, of which, when the census of 1841 was taken, there were 536, containing 17,585 inhabited houses, all rated "nill," for the support of the poor. In the country places, as in the metropolis, the same anomaly existed—the heavier contributions fell proportionably upon the poorer parishes, and the lighter upon the richer, because the great landlord delivered himself from a greater number of poor in his parish by quartering them upon the neighbourhood that was less wealthy; and because the great landlord, he would not say got himself rated, but at least saw himself rated very much lower in respect to the value of property than his poorer neighbours. And why was this so, both in town and country? Principally and mainly, he believed, on account of that most unnatural, pernicious law—the law of settlement—a law that precluded that general circulation of labour which, above all things, was most desirable. Of course, the repeal of the law of settlement must be part of any system that would strike at the root of the evil of which he complained. It was said that the boards of guardians would be but bad economists if there was a general tax; but whether that was a sufficient objection to a general system of supervision they should leave it to a Committee to determine. He believed that it would be much less difficult than was generally supposed, to place the whole amount of the poor-rate under the general supervision of the Government. The whole of the present machinery might remain as at present, the boards of guardians appointing their own officers, representing the wants and wishes of the parishioners, and enforcing or opposing the claims of the different persons in their parishes; but the whole control and distribution of the funds must be left entirely in the hands of Government officers, or officers appointed by that House, each of whom would be placed at the head of a group of unions. By such an arrangement, he firmly believed a considerable saving would be effected in the expense attending the administration of the poor-law. Under the present mode of administering the poor-law, there were employed—

8 inspectors, at 700*l.* per annum......	£5,600
5 do. 500 do.	2,500
Travelling expenses for inspectors ...	10,140
616 clerks at 120*l.* per annum.........	73,920
Making a total of	£92,160

The expense of the establishment which he proposed would be—

77 inspectors, at 600*l.* per annum...	£46,200
154 clerks, at 100*l.* do. ...	15,400
Total	£61,6000

Thereby effecting a total saving of 30,560*l.* per annum in the machinery of the poor-law alone. In addition, however, to this, a great saving might be effected by the abolition of the laws of settlement and removal; by getting rid of the enormous costs of litigation on questions arising out of those Acts; by giving a free circulation to labour, and diminishing by so much the necessity which at present existed of supporting the poor without labour. His belief was, that it would be possible, under such an improved system, to reduce the whole charges of the poor-law by nearer one-half than one-third, and that reduced charge spread equally over all property. There could be no doubt whatever as to the great benefits to be derived from applying the labour of the poor to the cultivation of the land. He had seen the allotment system carried out upon a large scale upon productive land; but it was not to be supposed that, without the advantage of capital and skill, and the facilities of obtaining manure, that the poor man employed in cultivating his allotment could be expected to show a crop as against the large farmer possessing all those advantages of which he was deficient. Another serious evil attending the operation of the present poor-law arose from the mode adopted of affording relief. When a poor man was not able to get work, he went to the relieving officer and applied for relief. The first question put to him, upon his so doing, was, had he applied for labour, or if he had got any. He would state, in passing, that labour was not the thing which the poor man required, and the great fallacy in the poor-law lay in the use of the word "labour." It was not "labour" which benefited the poor man, but the wages of labour. That was a question very much neglected by the relieving officers and boards of guardians. They did not trouble themselves to inquire as to the rate of wages which he might receive; the only object with them was to get the poor man work. He would give the House an instance of how this law was made to operate in an agricultural district. A poor man who applied to the relieving officer, having been refused relief and directed to apply for work, went to a farmer in the neighbourhood, and stated to him that unless he could obtain employment he would be compelled to apply again to the relieving officer on the following Wednesday. The farmer, upon hearing his intention, stated that he would employ him at the rate of 7*s.* per week—a small sum for the support of a man, especially if he had a family to support: the man, however, accepted the offer on the Friday, the board met on the following Wednesday, and on Wednesday the poor man was discharged, and the board would not meet again till that day fortnight, so that he had no opportunity of again applying for relief; and even when he did apply, he would be told by the relieving officer that he had been employed by such and such a farmer, and he would be told to go and seek again for work. Thus they would continue to act for a length of time, the poor man only being able to get three or four days' work in the fortnight. The effect of the law, with respect to removals, was also most injurious. The poor were obliged to travel about from union to union, and were constantly told when they applied for relief that they had no claim upon that union, till finally, by breaking windows, or doing some other mischief, they were sent for a fortnight or so to the gaol, and at the end of that time the poor man came out a better fed and a stronger man, only to go through again the same course of proceeding. In order to remove these evils to which he had referred, his impression was that it was necessary, not only to have a more equitable rating of property in parishes and in unions than at present existed, but to have a system of universal chargeability upon all property whatsoever. The 43rd of Elizabeth, and the other early Acts upon the subject of the relief of the poor, recognised the principle of an equal charge upon all property; and the Bill which was annually passed by the Legislature, exempting stock in trade from rating, was a complete admission of the existence of a principle of universal rating. He trusted that the Government would not be allowed to remain another year doing nothing more on the subject than laying upon the table voluminous documents and bursting blue books, full of statistical information with respect to the evils of a system which were most unjustly and rapidly increasing year by year upon the country, and which, from the very nature of things, would continue to increase. He would leave the matter in the hands of the Government, and earnestly trusted that the provision for the destitute poor of the country would be made upon a principle more just, economical, and beneficial in every respect than that which at present existed.

Motion made, and Question put—

"That a Select Committee be appointed to inquire into the practicability of better providing for the maintenance of the indigent Poor of England and Wales, by an equal and general apportionment of the burthen of the same."

MR. ALDERMAN SIDNEY seconded the Motion, which he believed to be recommended by every consideration of justice, humanity, and sound policy. It was a solemn duty which the Government owed to the country, to institute an inquiry into this most momentous question. The feeling was becoming every day more widely diffused, that the pressure of the poor-rate was iniquitously unequal, and that something ought at once to be done to remedy the evil. The present system was felt to be most severe in its operation, not only in the agricultural districts, but also in the great manufacturing towns. It was the duty of the Legislature to see that a burden so ruinous as that which was entailed by this tax, should be imposed in as equal a manner as possible on the community. It was their duty to see that it was levied in strict conformity with the provisions of the 43rd Elizabeth, c. 2. By that statute it was ordained that certain rates for the support of the poor should be raised in each parish. They were to be a burden upon all who, within the provisions of that Act, were held rateable; but it was not enjoined that the amount or mode of raising a rate in one parish, should conform with that in another. By that statute the overseers of a parish were required

> —"to raise weekly or otherwise (by taxation of every inhabitant, parson, vicar, and other, and of every occupier of land, houses, tithes, impropriate, propriation of tithes, coal mines, or saleable underwoods in the parish, in such competent sum or sums of money as they shall think fit), a convenient stock, &c., to be gathered out of the parish according to the ability of the same parish."

In Sir A. Earley's case, 2 Bulstrode, 354, it was held by Justices Hutton and Cooke, that amounts for the relief of the poor were to be made in an equal manner upon the inhabitants, according to their visible estates which they had and enjoyed, real and personal; and whenever personal property was rated, an equal mode was adopted. This was a question, not of local or partial interest, but of national importance. Equality of pressure was the main principle of the Act of Elizabeth; but it was a theory which had been entirely lost sight of in modern times, for he found that whereas some counties paid from 2*s.* 2*d.* to 3*s.* in the pound, others paid only from 1*s.* ¼*d.* to 1*s.* 2¾*d.* The twelve counties in England and Wales paying 2*s.* 2*d.* to 3*s.* in the pound were—Carnarvon, Anglesea, Merioneth, Oxford, Buckingham, Wilts, Bucks, Dorset, Southampton, Norfolk, Suffolk, Brecon. The twelve counties paying lowest, from 1*s.* ¼*d.* to 1*s.* 2¾*d.*, were—Salop, Chester, Derby, Lancaster, York (North Riding), Stafford, Cumberland, Westmorland, Lincoln, Northumberland, York (East Riding), Monmouth. In the union of Stafford there were some parishes which only paid 4½*d.* in the pound, while others paid 2*s.* and 3*s.* in the pound. In Leicester, Norwich, Warwick, Nottingham, and other towns, and in various districts of the metropolis, the rate generally fell with most severe pressure on the very persons who were least able to bear it. It frequently happened that the largest ratepayers were men of the smallest revenue. In this there was gross inconsistency. Nor could he understand on what principle buildings erected for commercial purposes should be exempted. The Bank of England paid 30,000*l.* a year in income tax—a fact which sufficiently attested how enormous must be their profits—and 20,000*l.* a year was paid by the Gresham Committee on account of the Royal Exchange; and yet neither of these great establishments contributed one farthing to the poor-rates. They escaped scot free on the plea that they had no poor around them, and that they provided for the support of their own servants. Mr. C. H. Bracebridge, of Atherstone Hall, Warwickshire, in addressing a meeting which was held a short time since on this subject, mentioned one or two circumstances which curiously illustrated the evil of unequal rating. He was sorry that the right hon. Baronet the Member for Tamworth was not in his place, as a portion of the statement made by Mr. Bracebridge—a statement which he (Alderman Sidney) would take leave to read to the House—had reference to that portion of the country with which the right hon. Gentleman was connected.

> "I now come (said Mr. Bracebridge) to the inequality in the rating in the parish in which I reside, which is Atherstone, in Warwickshire. In a draft of a petition ready to be presented to Parliament, and adopted by a meeting held the other day, it is stated that we in our parish pay 8*s.* 9*d.* in the pound, that the next hamlet pays 6*d.*, that another pays 1*s.*, and that an adjoining parish pays 10*d.* I have the honour to reside near a union which is known to most of you—the far-famed Tamworth. I went a short time since to my friends of the Tamworth union, and said, 'I think you have a case as good as ours; give it to me, that I may tell it to the Committee of the House of Commons.' And this is the history of Tamworth. Some thirty years ago Sir Robert

> Peel, then Mr. Peel, came from the neighbourhood of Manchester to that of Tamworth. He came to my father and to other people for water-power. He did not find what he wanted, and he afterwards went to Fazeley, an adjacent district, where he obtained what the Americans call 'water privilege.' He bought a fine park in the neighbourhood, cut down the old ancestral trees, and set up a number of mills and factories—a very considerable act, and one, no doubt, by which the nation has benefited. The result was, that in process of time a great amount of population arose at Tamworth. Sir Robert Peel in time grew rich, and left the factories, and the wealth of the parish has never grown up since. At the same time, Peel (the father), like a prudent man, bought a tract of land called Castle Liberty—the ancient park and *plaisance* of the castle—but it was not thickly inhabited with retainers or by paupers, whose presence might be unpleasant to the eyes of nobility. Sir Robert had no great admiration for rural cottages with woodbine and honeysuckle. He raised, at least, no such edifices. There are fields, hedges, water, and occasional floods on the property; but no habitation of man. To come to figures, the result is, that in the township of Tamworth, the property, whose rateable value is 5,044*l.*, pays 1,383*l.*, for what is called the poor-rate, though the whole of it does not go to the poor. But in the Castle Liberty—that agreeable pasturage—the rateable value of which is 865*l.* per annum, a rate is levied of 18*s.* a year. Nor do the 18*s.* go to the poor, because there is the expense of union-house, and, of course, the officials who attend, to be paid out of the rate. There is another old gentleman living in a township in the neighbourhood, the property of which is worth about 1,000*l.* a year, and it has been so managed—not by the wisdom of Sir Robert Peel, but with that degree of cunning and acumen which belongs to some of the gentlemen and farming proprietors in the country—that upon this 1,000*l.* 2*l.* 12*s.* is paid to the poor-rate. There are two cottages on this property. A poor man in one of them was sick, and applied to the union for relief. A discussion arose as to whether the man belonged to one place or to another, which I will not name, when the relieving officer went to the chairman and whispered to him, 'Don't make him belong to S——, because, if you do, the cottage will be pulled down.' I could mention many cases of this kind."

If Sir Robert Peel's parish had been assessed at the same rate as the adjoining parish of Tamworth, Castle Liberty, instead of paying 18*s.* 6*d.* a year, would probably have paid 200*l.* a year. It might be that very sound and potent reasons might be assigned why Sir R. Peel and others equally fortunate should be exempted from the poor-rate; but it was at least due to the community, and indeed he would add to the cause of justice, that there should be an explanation of those reasons. In the agricultural districts it usually happened that a parish which belonged to a single individual was subject to some very inconsiderable rate; but a parish divided among several proprietors was in general much less fortunate. He would not undertake to say that the best remedy for the evils of that case were to be found in a national rate. For his part, he should prefer a county rate, which he thought presented the most advantageous plan that could be adopted. It might be said that under such an arrangement the sense of individual interest would not operate so powerfully as at present among the guardians in preventing unnecessary expenditure. But it was well known that the guardians had, under the existing law, very little power, as the Poor Law Commissioners decided, he believed, who were the parties to be admitted into each workhouse, and what was the dietary they were to adopt.—[Mr. BAINES and other Hon. MEMBERS: No, no!] However that might be, he could not help thinking that in large unions in which the poor-rate amounted to several thousands of pounds yearly, the guardians had very little individual interest in the mode in which they discharged the duties intrusted to them. Another source of great pressure and inconvenience to the ratepayers of this country was to be found in the present law of settlement. In Norwich, Leeds, and other large towns, that law had operated most unfairly. It appeared to him that to compel a poor man to reside in a locality, the trade of which was on the wane, was a most injurious arrangement; and he could cite a case in proof of that statement. In the city of Norwich the camlet trade had some years ago been exceedingly flourishing; but that trade had since been almost annihilated, and the article was at present replaced by others manufactured in Manchester. Under the law of settlement, however, the operatives of Norwich were prevented from following the trade which had left their city, much to their own disadvantage and that of their fellow-townsmen. The poor-rate in Norwich at present amounted to from 5*s.* to 6*s.* in the pound. The feeling of dissatisfaction at the unequal mode in which the rate was levied, was becoming every day more widely spread. The worst of it was that the rich were the gainers by that inequality. It was the poor who suffered. The parish of St. Bride was assessed to 3*s.* in the pound, while that of St. George, Hanover Square, was assessed to 7¾*d.* Six of the largest and most opulent parishes in the metropolis did not pay more than 11*d.* in the pound; while six others, the poorest and most destitute, paid 2*s.* 5¾*d.* In stating these facts he was sure he had said enough to justify an inquiry.

Mr. BAINES said, he hoped that the noble Lord who had brought forward the Motion, and the hon. Member who had seconded it, would not think that he was guilty of any personal disrespect towards them if he declined to follow them in a large portion of their arguments. The Motion itself was in its terms sufficiently large; and he should not therefore follow either the noble Lord or the hon. Member into any discussion with respect to the law of settlement, or the Poor Removal Act of the year 1846, or the cost of the poor-law establishment, or the misconduct of poor-law officials. Those were subjects which had no immediate connexion with the question then before them; and he could at that moment only say, that he should be prepared to discuss such subjects whenever they might be brought separately under the notice of the House. The proposition now placed before the House by the noble Lord the Member for Aylesbury was very different from that originally put upon the Notice-paper by him. Before Easter, now two months ago, the noble Lord gave notice of his intention to move for a Committee to consider the question of charging the maintenance of the destitute poor on the general revenue of the country. On the 10th of May, he believed the Motion stood for a Committee to inquire into the practicability of charging the maintenance of the destitute on the general income of the country. On the 7th of June, a further alteration was made, and the Motion was for a Committee to inquire into the practicability of charging the legal relief of the destitute in England and Wales on the general revenue of the country; and then, on Monday last, the Motion of the noble Lord assumed the shape in which it now stood on the Paper. It was perfectly clear, not only from the noble Lord's notice on the Paper, but from the whole tenor of his speech, that his aim was—no doubt with the most conscientious and benevolent, though, in his opinion, most mistaken views—to throw the whole burden of relieving the destitute poor upon the general revenue. There could not be the slightest doubt that such was the intention of the noble Lord. Anything more mischievous than to create a belief in the public mind that any doubt existed as to the impolicy of such a scheme, could not, in his opinion, be conceived. And yet such must be the result of granting this Committee. Independently of this, he believed that even if granted, the Committee would prove utterly abortive for the object in view. The noble Lord must assuredly have overlooked the fact that two years ago a Committee of that House did sit to investigate the subject of settlement and poor removal, and in the course of its most elaborate inquiry went into an investigation of those very subjects which the noble Lord had been discussing that night. The noble Lord would find in the very complete index of the six or seven reports on the subject — he would find under the heads of national rate, payment out of the Consolidated Fund, union rating, parochial rating, and rating generally, every one of the questions discussed to which he had referred in his speech. Before that Committee were examined witnesses most competent to state facts bearing on the question, and pronounce opinions as to probable results. That the Members of that Committee were eminently qualified to conduct such an investigation would be admitted by all, when he stated that it was presided over by his late lamented predecessor Mr. C. Buller, and that it numbered among its Members Sir C. Wood, Sir J. Graham, Mr. Bankes, Mr. E. Denison, Sir G. Grey, Mr. T. Duncombe, Sir H. Vane, Mr. Henley, Mr. P. Scrope, Mr. W. Miles, and others. This inquiry was gone into when the Committee had the whole Session before them. Did the noble Lord believe that a Committee appointed on the 23rd June, would have an opportunity of going more thoroughly or satisfactorily into the matter? Upon this ground, therefore, he asked the House to negative the Motion. If the noble Lord had come forward with any specific proposition founded on the facts elicited at that time, or on the opinions then expressed by the intelligent witnesses examined before the Committee, his course would have been more satisfactory; but instead of this, he asked for a fresh inquiry into the same facts and the same questions. As to the propriety of charging the relief of the destitute poor on the general revenues of the country, he thought it his duty to state in the most distinct terms his firm belief that it was a proposition which it would be mischievous and dangerous in the highest degree to adopt, or even to countenance in idea. His lamented predecessor, whose name could never be mentioned without eliciting marks of that high admiration which was due to his character and talents, during his short presidency, had submitted to him by the most able men propositions similar to those made by the noble Lord, and yet they only served to strengthen his conviction that nothing could be more dangerous. The noble Lord, as he understood him, admitted that the natural consequence of the adoption of his plan must be to get rid of all local administration; and this, in his (Mr. Baines') opinion, furnished a very strong, nay, an absolutely conclusive, argument against the project; for the principle of local self-government which had so long prevailed in this country, whatever might be its drawbacks and disadvantages, had been productive of the most salutary effect on the national character, and there was no part of our institutions with which they ought to be more loth to part. If the principle of charging the general relief of the poor on the general revenue were carried into effect, one of two consequences must follow. The administration of this general relief must either be confided to local boards of guardians, or local administration must be got rid of altogether. What would happen in case the former alternative were adopted? How could it be expected that under such a system as that proposed by the noble Lord, men would apply themselves in the same patient and industrious manner to the discharge of their duty? What motive would they have to exercise a careful and vigilant control for the purpose of preventing undue expenditure? At present the expenditure was their own, which was the strongest possible spur to exertion; and yet even now it was difficult in some parts of the country to secure the steady weekly or fortnightly attendance necessary for the proper administration of the law. How would it be under the state of things contemplated by the noble Lord? Would it not have a tendency to make men supine as to a national rate, of which they would have to pay so small a portion, and unwilling to act in its administration, unless tempted by the hope of serving the interest of some friend? and the result would be that a system of jobbing and peculation would be too apt to start up. It would, in short, tend to bring back part of that system which existed previously to the Poor Law Amendment Act of 1834—a state of things clearly not to be tolerated. What, then, was the alternative? That which the noble Lord manifestly contemplated as the consequence which must flow from his measure—namely, to get rid of local self-government altogether. When it was recollected that there were 15,000 places maintaining their own poor, and that officers must be named for the distribution of relief in all those places, some idea might be formed of the patronage which such a change would confer on the Government. And if it were understood that the Government held the strings of the purse out of which relief was to issue, he should like to know whether, in times of distress and general difficulty, there might not be the greatest possible pressure brought to bear on them — a pressure which it might be dangerous for any Ministry to resist. From the time of Henry VIII., relief had always been given out of local resources; and the only change in the system was one of recent introduction, by which the cost of relieving certain classes of paupers had been thrown on the union. From the earliest times the system of local self-government had been regarded as an object of national policy; he had heard no valid reason assigned for changing that system, and therefore felt it incumbent on him to resist the Motion, by moving a direct negative.

Mr. MACKINNON: Sir, after listening attentively to the observations of the noble Lord, and considering his Motion, I must be allowed to say that I form an entirely different conclusion from the one he has made. If he will give me a few moments' attention, I think I can show him that the doctrine he has laid down very much resembles that of the socialists in France, and that it will prove most injurious to the best interests of civilised society. The principle of the poor-law, as laid down by the 43rd Elizabeth, which is the foundation of the poor-law in this country—this foundation of the poor-law is, that every person shall be supported by the produce of the land where he first drew his breath. Now, if you go beyond this principle, let us, before so doing, just consider where it will lead us. I will only observe, that the poor-law in England has prevented too great an increase of population, as every individual in the locality or parish where a birth takes place, feels an interest in keeping down the poor-rate. There can be no reasonable doubt that the overabundant population in France and Ireland would not be so great as it now appears to be, if a poor-law had been established in those countries, say half a century from this time, or say, 100 years back. My noble Friend is aware, that both in the animal and vegetable creation there is a constant and invariable tendency to increase and multiply. Let us look at this tendency in mankind: we find in every portion of the globe population pressing on, or rather going beyond, the means of subsistence; and how is this increase of population, beyond the means of support, checked? It is only prevented by one of these preventives—moral restraint, vice, or misery. To exemplify my position, I should say that the too great increase of population was checked in Scotland by moral principle; in larger towns by vice; and in Ireland and some other countries of Europe, by misery. In England, as I have said, the pressure of the poor's-rate, or rather the apprehension of an increase of the poor's-rate, has done much in localities to prevent the evil. Now, admitting the doctrine proposed by the noble Lord to be adopted here, what would be the consequence? The salutary check given to an increase of a pauper population by the parish authorities would be at an end. If a poor-law guardian, or a parish overseer, could draw on the public purse, the natural feelings of a desire to relieve would overcome his prudential considerations; the public purse would yield supply, and an immense increase of pauper population would be the natural and inevitable result. The funds gained by the toil, the assiduity, and the labour of the industrious and thrifty man, would, in that case, be expended on the idle, the thoughtless, and the needy; the active and indutrious would cease to exert themselves, when they found their industry and labour only went to support the idle and thoughtless; in fact, the funds of the community would be taken from those who had saved something, and divided amongst those who had nothing; in short, pure and perfect socialism would be the result, exactly the same doctrine as that propounded by the socialists in France, and thus M. Ledru Rollin would be supported, and M. Proudhon's communism advocated, by my noble Friend: Ledru Rollin and Proudhon supported by one who is supposed descended from the Plantagenet kings—by no means, in my opinion, a suitable association of persons. Having given the outline of my ideas, I need go no farther. Sir, before I sit down I must explain that I feel strongly for the sufferings of the poor, and think they ought to be treated in the most indulgent manner. Every man, I think, has a right to be supported by the produce of the land where he was born; and so long as this principle is adhered to, an over-abundant population, and the misery that is the consequence, may be obviated. But if by any extraordinary means you create or give encouragement to an overpopulation, society is not secure, civilisation is endangered, and sooner or later social convulsions may arise, causing the destruction of private property, and mankind to retrograde a step towards barbarism. Such would precisely have been the result in France, if the late attempts at insurrection had not been quelled in time. I hope and trust, in making these remarks on the impolicy and danger arising from this proposed alteration in the poor-law, not to be misunderstood, or have it imagined that I am not fully sensible to the grievances and wants of the pauper population of this country. Quite the reverse: there is not, I hope, any man amongst the hon. Members I see before me who is more anxious to alleviate the distress of his fellow-creatures; but I think communism would create ten times, ay, one hundred times, the misery and distress that is now in existence; indeed, without further comment, this is a self-evident proposition. I will, therefore, conclude, having given my reasons, by giving a decided negative to the proposal of my noble Friend, and feel confident, had he been aware of the real consequences of his Motion, he would not have brought it under the consideration of the House.

Mr. BROTHERTON expressed his hearty concurrence in the view taken by the hon. Gentleman at the head of the Poor Law Commission. Such a Committee as the one proposed would have a most pernicious effect; and he believed it would be most unwise to give any countenance to such a measure. He thought the payment of the poor-rates out of the Consolidated Fund would operate most injuriously, inasmuch as it would destroy that local self-government and supervision of expenditure which it was most essential to preserve. If the expenses of prosecutions were charged on the Consolidated Fund at the discretion of magistrates and attorneys, those expenses would rapidly increase. If the poor-rates were paid out of the national fund, we should be compelled to take the Irish into partnership, and this would occasion a heavy pull on the Exchequer. On these grounds he considered it most unwise to give any countenance to such a system. At the same time, he must admit that there were great inequalities in the present system. In the township in which he resided, the poor-rates were only 1*s.* in the pound, while in the adjoining parish they were 6*s.* He would mention one fact which would illustrate that inequality, and tend to show the necessity of having a union instead of a parish rating. In the township in which he resided, a large mill was last week destroyed by fire: upwards of 1,000 hands were thrown out of employment, and, as they were not permitted to live in the parish, they were thrown as a burden on the adjoining township. He had stated in that House, in 1834, that it would be much better to have a regular, uniform rate on all the parishes of a union. The guardians would then feel it their interest to watch over the whole union, instead of confining their attention to their own particular townships. At present the poor had to support the poor; but under such a system as he had suggested, the rich would have to contribute a fair proportion to the rates. In the township in which he resided, no cottages were permitted to be erected under 35*l.* a year. Of the 12,500 assessments in Salford, 9,000 were under 10*l.* a year. Of course that township was much burdened, and the surrounding townships much benefited. On these grounds he should certainly resist the Motion of the noble Lord for a national rate.

MR. WODEHOUSE said, although he differed from some of the opinions expressed by the noble Lord, he would vote for his proposition on this ground alone—in the novel position in which the country was placed by the adoption of the policy of 1846, he thought that a revision of the public burdens was absolutely necessary. It was impossible to doubt that fact if they looked over the mass of statistical information which had been placed upon the table of the House through the instrumentality of the Poor Law Board, and owing to the energy of the late lamented Mr. Charles Buller. In the early part of the Session he placed upon the Order-book of the House a notice of a Motion in which he had embodied a proposition similar to that which had been suggested in the other House—namely, that it might be desirable to charge the expense attending the poor-law administration upon the Consolidated Fund. He believed that the subject of medical relief was in a most unsatisfactory state. He thought that if such a proposition was carried out, national education, which was now entirely at a stand, might be promoted. The Government must now be prepared for remonstrances in every shape. He had had this day a paper put into his hand by a near relative of a Gentleman now absent from this House on account of a domestic affliction. By this paper it appeared that a Mr. Tubb, who was chairman of a union in Cambridgeshire, applied to the vice-chairman to know the truth of a certain paragraph that appeared in one of the local papers, in respect to a proposed contract with a French house. The answer he received was, that it was perfectly true, and appended to his letter a note which had been received from these French gentlemen in Calais—Messrs. Laroche, Chaplie, and Thompson. It was to this effect:—

> "Upon receiving a favourable reply, we are prepared to make a distinct offer on the articles named before, at a price that cannot fail to be satisfactory, as no English house can compete with us—the articles to be sent by Folkestone (being the most convenient route) every week."

And then comes the enumeration of the articles referred to, which they are prepared to provide, namely—

> "Bread (4 lb. loaf), flour, biscuits, groats, candles, raisins, brandy, beef, mutton, &c."

They were now placed in a novel position, and they must remonstrate in every possible shape. So far as this Session was concerned, it was beyond their reach; but in the next they must take every opportunity to prove to the Ministers how seriously the country had been affected by their recent legislation. Although he did not mean to express any distrust or want of confidence in the board over which the hon. Gentleman opposite presided, he should still vote for the Motion of his noble Friend, if he pressed it to a division, under the conviction that it was absolutely necessary to revise the public burdens, if Parliament had the slightest desire to do justice under the circumstances in which the country was at present placed.

MR. PETO: Sir, I feel that the nobl Lord the Member for Aylesbury would have done well to have confined his Motion to a Committee of inquiry into the inequality of the rating throughout the country, to the desirableness of abolishing the law of settlement, and the repeal of the Poor Removal Act of 1846. The city and county of Norwich were formed into a union in the reign of Queen Anne, and comprise the city within the walls and the parishes immediately around it. When the Poor Removal Act was proposed for the consideration of the House in 1846, a deputation from the city protested that its working would be most injurious to its interests, and gave such facts as, in my opinion, warranted the suspension of the measure until further inquiry was made. They stated their belief that it would add 5,000*l.* per annum to the rates. Now, what has been the working? In the year 1846, was paid: Non-settled poor, permanent, 28*l.* 10*s.*; non-settled casual poor, 75*l.* 2*s.*: total, 103*l.* 12*s.* In 1847: Non-settled poor, permanent, 3,266*l.* 12*s.* 6*d.*; non-settled casual poor, 651*l.* 6*s.*: total, 3,917*l.* 8*s.* 6*d.* There were inhabiting the city, in houses of the value of 6*l.* and under, 22,052 persons; of these 13,546 did not belong to the city. In the fourteen parishes around the walls, 8,003 belonged to Norwich; 7,371 did not. And here I must ask the House to consider that the city is now paying one-third of its entire rental in poor's-rates; and are they paying it to those who may be considered its own poor? Far from it. In the agricultural parishes around, very many cottages have been pulled down. The inhabitants, forced to come into the city to reside, if they become chargeable and are removed, are brought back almost as soon as the parties return who have taken them to their legal parish. The city has, within a short space, removed 351 paupers, and found upwards of 320 immediately return. Can they continue this class of contest? What will be the result? Certainly, that my constituents will eventually have to support them; and if the rates are now 6*s.* 8*d.* in the pound, what, Sir, may they be when the five years of the Poor Removal Act are expired? I may mention to the House one circumstance illustrative of the feeling prompting this class of action. One landowner in an agricultural county has seventeen acres of land in an adjoining parish; he has pulled down every cottage in the parish, which belongs entirely to himself, and settled his poor where they may have a legal, but can never have a moral, claim to support. And I feel, Sir, that the poor themselves, as well as the ratepayers, have grievous reasons to complain of all this experimental legislation and its fruits. It can be proved in Committee that very many labourers have to walk four to five miles to their daily labour. What would hon. Members say of the agriculturist who allowed his horses to walk some nine or ten miles per day in reaching and leaving their daily work? and shall the peasant be denied the care that the brute beast, in the economy of labour, is insured? I might, too, ask hon. Members if the courts, the narrow alleys and lanes of a city—house abutting on house, absence of ventilation, imperfect drainage and scanty space—are calculated to add to the health, the happiness, the well-being of the poor? Where is the local government, the paternal care, of which we hear so much from the advocates of the present state of things? Is the proximity of vice calculated to promote the virtue of the poor man's family? Can such a want of the comforts of home do other than render him indifferent to all those things which must in their exercise make him a useful man? The law of settlement is a curse to the poor man. It was intended kindly by its original framers, and might have been useful then; but now it limits the field of his exertion, confines and cramps his energies, and makes his master anxious to place the burden of his support on other parishes than the one in which he has all his life long laboured and lived as an honest man. I could mention, Sir, the case of two men who brought up large families—who received in two successive years prizes for bringing up the largest families without parochial aid. The Poor Removal Act was mentioned to their master: they did not belong to his parish—their large families were now an object of fear—they were both discharged; the one became the inmate of a gaol, the other of a lunatic asylum. I trust I have shown enough, Sir, to prove there is not only ground for inquiry, but immediate inquiry. The present Session is too far advanced to permit a Committee to be appointed with advantage; but I feel, Sir, the interests of my constituents will not allow me to let the subject sleep. Unless the Government take it up, or any hon. Member do so, I shall, at the commencement of the ensuing Session—and I trust the sympathy and anxiety of the House for the welfare of their country will not allow that Session to pass without these crying evils being thoroughly corrected.

Mr. ELLIS said, the rates in Leicester had risen within the last eight years from 12,000*l.* to 37,000*l.* The rental was about 105,000*l.*, and last year the rates were 37,000*l.* In one parish in that town, the rates for the last quarter were

2*s.* 8*d.* in the pound, while in another parish they were only 6*d.*, and in one portion of the town there was no rate at all. He was a partner in a factory that was situated in that district, where they did not pay a single penny to the poor. There was a vast deal of extra-parochial land in his neighbourhood that did not pay a shilling; and it was quite time that it should bear a share of the burden in some way or other. This was a great question, and should be considered in the most deliberate manner. He was not prepared to suggest any measure now, but he believed the Government were anxious to look into the question. He believed that a Committee, at this time of the Session, would be of very little use; and, deeply as he felt the importance of this subject, he could not vote with the noble Lord for "a pull at the Exchequer" to remedy the evils of the existing system.

MR. ROBINSON observed, that the evils of the present system were not only great, but were growing and increasing every day. Fully admitting the objections against a national rate which had been so forcibly urged in the debate, he yet thought that the evils of such a system could not be greater than those which prevailed at present. He hoped that the Government would devise some general remedy by the next Session of Parliament.

MR. W. BROWN said, he did not rise to discuss the merits of the question before the House, but merely to prevent an opinion going abroad that the result of free trade had been to throw operatives in the glass trade out of employment. The hon. Member for Stafford stated, that in the discharge of his magisterial duties, a woman had called on him that morning, who stated she was in distress from her sons, who were glasscutters, being thrown out of employment in consequence of the reduction of import duty on glass. No doubt such a representation was made to the hon. Member, but it did not follow that was the cause of their being in want of work; they might be indifferent workmen; the times we were passing through might account for their being out of labour; and this statement was quite at variance with one he (Mr. Brown) had received from a highly respectable glass manufacturer in Essex—Mr. Howard, of Plaistow—showing that in consequence of the removal of the import duties, the number of hands employed in his branch of the trade had increased from 1,200 to 3,000. He (Mr. Brown) spoke from memory, having given Mr. Howard's statement to the right hon. Member for Perth, and might not be quite accurate in the number; but it was very considerable, and surprised him. He was sorry to hear the complaint made by the hon. Member for East Norfolk, that La Roche and Co., of Calais, could supply us with many articles from thence cheaper than they could be obtained in England. He (Mr. Brown) really rejoiced to hear this, for it put within the reach of the poor many of the luxuries and necessaries of life, which otherwise they might not be able to obtain; and it gave employment to them to make returns.

MR. POULETT SCROPE thought, that Government had acted wisely in refusing this Committee; but he must say that the result of the proceedings of the Committee which sat a few years ago went to this fact, that the time for inquiry was passed, and that the time for legislation was commencing. Having served on that Committee, he fully agreed in the proposition assented to by the majority of that Committee, and he trusted that the Government would take the matter into their own hands, and at as early a period as possible produce a general measure which should satisfy public opinion. The effects arising from the inequality of rating in different parishes, were so notorious that it could not be allowed to continue. It had led to labourers being forced to reside in other parishes to which the owners employing the men did not contribute. Sound principles would lead them to extend the rate to a union rate. The Legislature having within the last ten years taken the management of the poor from the parishes and given it to boards of guardians of the union, it followed naturally that they should take the taxation from the parishes and put it on the union. That would remove all the objections to parochial taxation; it would remove the tendency to clearances; it would create an equality in the taxation of parishes, and save the removal of the poor between parish and parish. If the unions relieved their own poor, it would be no longer necessary to have removals or any law of settlement. It had been objected that it would not be fair suddenly to equalise the rates; and he proposed that year by year they should be made gradually to approximate. He thought the whole of the medical relief and the vagrant charges might be taken out of the Consolidated Fund, and in that way the local taxation of parishes might be materially lessened, and the burdens on land greatly reduced. Both the schemes of the equalising the burden of the rate, and the relieving real property from the unequal and unfair pressure which it now suffered, might be adopted without interference with local responsibility or local management.

Mr. CARDWELL said, he hoped that the discussion now raised upon this subject would give satisfaction to the House of Commons and to the country. If he collected rightly the sense of the House from the speakers, and from the manner in which their speeches had been received, it appeared probable that this Motion would not be pressed to a division. At this period of the Session it was manifestly impossible that a Committee could meet and discuss all the complicated questions that must arise upon the subject now before the House, and present any report worthy of them. But, on the other hand, there had been a very full discussion in the House of many of those grievances which Members representing large constituencies well knew were pressing heavily upon them. He thought that that was a satisfactory result. Then, if his hon. and learned Friend the Member for Hull would allow him to say so, he thought a great advantage had arisen, upon which he might congratulate the House, from the opportunity having been thus given of hearing the hon. and learned Gentleman on the subject. When he (Mr. Cardwell) first heard of the appointment of his hon. and learned Friend to his present office, he at once estimated the advantages that must arise from that appointment; and he was glad that the House and the country had now had the opportunity of hearing his sentiments. Those who complained of undue pressure of taxation, who brought forward cases of grievous inequality, and who desired a practical remedy, would feel that they were more likely to attain their object, if his hon. and learned Friend, taking upon himself the responsibility which fairly belonged to him — that responsibility from which he was not the man to shrink—promised to direct his attention and bestow his faculties upon the details of this question, and to remove all the evils which by their nature were capable of being removed, than they would be likely to attain by turning the question loose among the fifteen Members of a Select Committee, who would, probably, after the lapse of time, produce a report equal in size to the last upon the subject, but which would, perhaps, end in much discussion, but little practical result. He did not, therefore, rise to prolong the general discussion; but there was one part of it which he was sure his hon. and learned Friend would not think irrelevant to bring under his notice. He wished to point out the manner in which this feeling of injustice in the increase of the poor-rates operated in particular localities—those localities having derived no advantage, but, on the contrary, sustaining, in their moral and social condition, the greatest possible inconvenience and disadvantage from the increase of population which they had involuntarily sustained. Those Members who were connected with the west of England, the principality of Wales, and the western parts of Scotland, would all feel the justice of the remarks he was about to make. And if there was one place which more than another fell within the category of this grievance, it was the town he had the honour to represent (Liverpool). By the official return, it appeared that more than 29,600 immigrants—unhappy, miserable immigrants—from the sister country had landed in Liverpool within a given period. He would presently read from the official record itself. It was manifestly no blame to the sister country that these immigrants should come to those particular parts of this country which were most accessible to them; but what he said was, that this immigration affected particular places with local taxation, which belonged not to those places, but to the community at large; that a sense of injustice was thereby created; and whenever that sense existed, it immeasurably increased the difficulties of all taxation. The return showed that within twelve months 300,000 immigrants had landed at the port of Liverpool from Ireland—that of this number 120,000 were positively destitute—an average of 10,000 a month thrown from the sister country upon the parochial rates. What had been the consequence? To hear that the poor-rates had been doubled could not cause surprise. But the pecuniary burden was not all. The wretchedness and loss of life among these miserable creatures was most appalling: hundreds of them perished, and the lives of many who attended upon them had been sacrificed. The return stated that—

"Ten Roman Catholic and one Protestant

clergyman, many parochial officers, and many medical men, who devoted themselves to the task of alleviating the sufferings of the wretched, died in the discharge of their high duties."

The evil that all this produced to our own labouring population it was impossible to describe. What could these 120,000 destitute immigrants become when they were landed? It was in no spirit of blame to them that he used language which might be construed into reproach: their lot was forced upon them. But what, he asked, could they become? The House would observe that he was speaking from an official document, and not detailing his own impressions. They might become three things; they might become paupers; they might become vagrants; or they might become thieves. They had discovered the provisions of the law by which they might be retransported to Ireland, and they would not put themselves within the power of that law. Then, they must become vagrants or thieves. The return showed that they swelled the annals of crime to an unprecedented extent. It would be hard to throw an imputation against Ireland upon that account; but it was one of the miserable circumstances of this miserable case which he felt bound to bring before the House, and one of those circumstances which he thought the House and the Government were bound to entertain. He hoped none would think he used unkind language, but he deemed it his duty to state these facts. In the year 1846, it appeared, from this return, that 18,171 prisoners had been brought before the magistrates in Liverpool; that in 1848 the number had risen to 22,036. In 1845 the number of persons committed for trial and summarily convicted for felony amounted to 3,889; and in 1848 the number had risen to 7,714. It also appeared that the Irish formed only one-fourth of the population, and yet they gave very nearly half the criminals. The gaols, calculated to hold no more than 500 prisoners, contained, when the return was made from which he was quoting, 1,100 within its walls. Imagine the misery that this inflicted upon the whole community. The industrious classes could not obtain employment, by reason of the competition in the labour maket. The manner in which the Irish immigrants were crowded in the steamers which brought them over, was greatly to be deprecated. He held in his hand the report of Captain Denham, who had been sent by the Government to inquire into the circumstances, and therefore he was reading no exaggerated statement, but the grave, calm, and most sorrowful report of a gentleman in an official position as to the actual condition of these poor Irish people; and he urged the House to listen to the extracts he was about to read, for both the House of Commons and the country at large ought to be in possession of the facts. Mr. Coppen stated that—

"He had carried as many as 300 deck passengers at a time on passages of twenty-four hours—kept a space below for about 100, but reserved no space on deck if cattle offered. Such passengers then disposed of themselves as they best could, but at last were necessitated to herd with the cattle and their mire."

Captain Denham himself said—

"I measured the actual deck-space which I found between the cattle pens at different parts of the deck, where the deck passengers of both sexes had endured the previous night, and which space did not yield an area of more than one square yard to two persons, with not enough tarpaulins to cover more than a fourth part, whilst the whole deck was afloat with animal mire."

One commander of vessels of this kind said—

"We have been this winter as long as twenty-eight hours crossing from Dublin; the only portion of the deck open to nearly 400 passengers measures 28 feet by 13; but in case of emergency, from weather, the fore part of the poop-deck is given up to them, 28 feet by 19; but they have no right there, and such tarpaulins as can be spared are given to them. The general deck-layer for such passengers to rest upon is common to the cattle, pigs, &c. It is true they are penned off, but the drift of the cattle-soil causes them to be in filth."

Another commander exclaims—

"If it would make the heart ache at the sight of the state of deck passengers in paddle steamers, what would it do when beholding them on the deck of a screw vessel, where the leeward portion of them are washing about the lee scuppers, night and day, as she heels over under canvass?"

Another says—

"There is no space below to which a decker has a right to go, but in cases of exigency, such as"—

and let the House remark this—

"such as women in labour, they are admitted to the engine-room; and when horses are not on board, the stables on deck are opened to the poor people."

He had marked other passages describing a state of things even more deplorable and wretched. There were accounts of the people crowding between the cattle, for the sake of the animal warmth, amidst a floating mass of salt water and animal excrement. In a word, these poor people came over here subject to every conceivable horror and misery in the passage. The House was familiar with the case of the *Londonderry* steamer, and it would be well if it were. But this report spoke of dead bodies frequently brought on shore, and of women brought to bed on the passage. Police constables stated that they had seen persons frozen to the deck, and

—"altogether we never witnessed human beings in such a state of wretchedness from causes admitting of amelioration."

Such, then, was the state of the case. The right hon. Gentleman opposite had power, by the Act of last year, in some degree to interfere, and had promised that that power should be to a certain extent exercised. He (Mr. Cardwell) commended the case to his consideration and that of his right hon. Friends. Of this he was assured, that without pressing unjustly upon or increasing the sufferings of these poor Irish immigrants, the Government must be prepared to deal with this case. An average of 10,000 destitute persons a month could not be endured; he said utterly destitute persons, for in the figures he had given he had excluded the emigrants to America, and persons coming here on their own business and paying their way, and had limited himself to those positively destitute. Thus, then, an average of 10,000 destitute persons per month had landed within a year at one port alone. But the evil was not confined to Liverpool; the same thing was going on at Glasgow and the whole of the western coast, and the evil was spreading over the neighbouring counties. This was the state of facts of which Members who represented large constituencies had to take cognisance; and he pressed the case upon those whose official duties best enabled them to deal with the whole subject. He agreed in the propriety of his hon. and learned Friend assuming the responsibility, and he deprecated the confusion and delays of a Committee. While he recommended the details of this case to the consideration of his hon. and learned Friend, he admitted that many of the difficulties appeared insuperable; and with these he could not expect his hon. and learned Friend to deal. But he felt confident that his hon. and learned Friend would satisfy those who were the sufferers that the whole subject should have his careful consideration—that if no remedy were proposed when Parliament again met, it was only because the evil was insuperable, but that a remedy was provided for such as were capable of amelioration.

Mr. LABOUCHERE said, that as the hon. Gentleman the Member for Liverpool had taken this opportunity of calling the attention of the House to the statements contained in the report of Captain Denham to the Board of Trade on the condition of the passengers on board of these Irish steamers, the House would excuse him (Mr. Labouchere) for offering a few observations. It was true, as the hon. Gentleman had stated, that in consequence of representations which had been made from his district, he (Mr. Labouchere) had thought it right to request Captain Denham to visit Liverpool and examine into the facts, in order that such steps might be taken in the matter as might appear best. He had done so, not with the desire or intention of limiting the transmission of passengers or immigrants from Ireland; for his opinion was that if this influx of paupers was an unjust burthen, other means should be taken to check it; but he would not consent, by artificially raising the price of the passage, indirectly to check the passage of Irish immigrants into this country. He held the opinion that the Irish poor, great numbers of whom came over here not as paupers but in order to work, had a right to be conveyed in the cheapest manner possible, so that it was compatible with a due regard to humanity and to the public good. In his instructions to Captain Denham he had requested him not to look at the interests of Liverpool alone, or that of any other port, but to the common considerations of decency and humanity; and he agreed with the hon. Gentleman—indeed, every one who had read Captain Denham's report must agree—that a case had been made out for the interference of the Government with respect to the manner in which these passengers were conveyed. In the spirit and intent of that report, he, on the part of the Government, would deal with this question. There were limitations which the Government had the power of imposing as to the number of passengers; but it was important it should be clearly understood that these limitations, whatever they might be, would be imposed, not for the purpose of checking the number of Irish immigrants, but with a view to the interests of those immigrants themselves, and of preventing the recurrence of scenes revolting to humanity. The question was, indeed, one of great difficulty—it was a balance of difficulties. While he would not consent to adopt any limitation of this kind, with a view to check immigration, he felt that proper regulations should be made as to the manner in which the people were brought over, as, for instance, to secure at least a proper separation between the passengers and cattle. He assured the hon. Gentleman that his best attention should be given to the subject. He agreed with the spirit and intent of Captain Denham's report, and he should be prepared, when the proper time came, to impose such limitations and restrictions as would prevent the evils upon which the hon. Gentleman had commented.

Mr. SPOONER, agreeing in everything which had fallen from the hon. and learned Chief Commissioner, did not rise for the purpose of prolonging the debate, but for the purpose of entreating the noble Lord not to divide the House, for in its present temper it was clear that he would be in a minority. He had gained his object by the discussion which had taken place.

Mr. SLANEY said, the Motion of his noble Friend was no doubt conceived with the humanity he always exhibited on other subjects; but he thought the arguments with which he had supported it had been answered so distinctly and clearly by the hon. and learned Chief Commissioner, that it would be impossible to add to the refutation. But it appeared to him that while the attempt on the one hand was to shift the burden from one shoulder to the other, and upon the other hand to shift it off altogether upon a third party, no one had asked him how it was that while the upper classes of this country were advancing in their comforts and enjoyments, and while the middle classes were also rising, the labouring classes were actually in a more depressed condition. The reason of this depression was, that they had not given to them the advantages which the other classes seemed to enjoy. He asked the House to consider that subject with a view to a remedy, for he believed that the evil which all admitted to exist might be remedied by measures calmly conceived, which, without injuring property, would increase the comforts of the poor, and add to the benefits and the security of the classes above them. The hon. Member who seconded the Motion stated that the strongest grounds for bringing it forward were because property was so unequally rated; but he (Mr. Slaney) thought the reason of that unequal taxation was, that in one part the rate was better and more economically managed than in another. He asked, therefore, whether counties which were guilty of a maladministration of the law had a right to throw the consequences of that upon other counties by a rate in aid? He thought they would not sanction any such injustice. The hon. Member for Norwich had complained that parties were in the habit of taking down the cottages on their estates, and so driving the poor into the workhouse, that they might get the advantage of their labour; but he (Mr. Slaney) thought it was bad policy, inasmuch as a man who had to walk four miles could not do so good a day's work as the man who lived only half a mile off. He said that, having heard the statements made by the noble Lord and by the hon. Gentleman opposite the Member for Liverpool, he must advise his noble Friend to withdraw his Motion, as the numbers that would divide with him on it would not be worthy of his object.

Colonel DUNNE said, he could not allow the discussion to close without thanking his noble Friend for having introduced it. The debate which had occurred would benefit the Irish no less than the English poor, with this additional advantage, that the question had been discussed entirely on English grounds. He confessed, however, he was surprised to hear the arguments of noble Lords and hon. Gentlemen against the propriety of a national rate for England, who had but lately given their vote for imposing just such a rate upon Ireland. And he would only remark, that what was unjust for England, could not be justice to Ireland, where all local administration of the rate was entirely taken away. He said, as the hon. Member for Liverpool had alluded to the great increase occasioned in the rates of that town, for the purposes of emigration to America among the Irish poor, he only desired to remind him that the merchants of Liverpool had been in the receipt of 20 and 30 per cent on the food imported for the Irish poor during the years of famine.

Lord NUGENT then replied. He said his Motion had been totally misunderstood by the hon. Members for Hull, Norwich, and Liverpool, who had assumed that his object was to carry out certain opinions, which, in all frankness, he felt bound to state were his own, and to which the Committee, if the House proceeded to a Committee, would in no way stand pledged. The hon. and learned Member for Hull said his objections were twofold. He objected, first, to a general equalisation of the rate being cast upon property; and, secondly, he objected, on the ground of the mischievous effects, as he called them, of in any way interfering with the power of local administration. He (Lord Nugent) must beg the House to take his Motion in the words in which he had proposed it. He said he was not opposed to local administration, but he had merely stated that, in taking up the grounds on which he supported his Motion, his proposal must necessarily be inconsistent with local administration. He hoped, then, the House would consider the words of the Motion without any reference to questionable opinions as to details in the application of the principle.

Question put and negatived.

EDUCATION (IRELAND).

MR. G. A. HAMILTON said, that, in discharging what he felt to be his duty, in bringing before the House the important subject of education in Ireland, as regards the clergy and members of the Established Church, he was glad to be able to state that it would not be necessary for him, on the present occasion, to go at any great length into the subject. He had last year occupied the time of the House with a very detailed statement—and he would now do little more than recapitulate some of the arguments which he had used then. He was, however, desirous of assuring the House, in the first instance, that on this, as, indeed, on all occasions, he was most anxious to avoid any language calculated, in the most remote degree, to revive any of those party or religious differences or animosities which happily had so much subsided of late; and he begged to assure Her Majesty's Government, that he brought the subject forward with the most earnest desire—and in saying this, he spoke not his own sentiments alone, but the sentiments of the clergy and laity of the Established Church in Ireland—to promote, if possible, such an adjustment of this difficult and most unpleasant subject as might be felt to be reasonable and fair by all parties. In adverting last year to the state of the education question in England, he had complained that the toleration with regard to education, which is extended to every denomination of Dissenter, and which, as regards Roman Catholics, has been carried to the extent of sanctioning even a departure from a scriptural basis, in deference to their religious scruples—and the principles which here are recognised as the only practical ones for the education of the lower classes, are not extended to the clergy and laity of the Established Church in Ireland. He had endeavoured to show, what he firmly believed to be the case, that every denomination of Christians, however differing from each other in essential and fundamental doctrines, were agreed in this country, that no system of education could be tolerated that was not based on religion. He had shown, on high Roman Catholic authority, that the Roman Catholics entertained just as strong opinions as Protestants on this subject; and he had then adverted to the fact that the State, after having frequently attempted, and always in vain, to establish in England a united system of education, comprising children of different denominations, and sinking and superseding all religious distinctions, had arrived at the conclusion, which, in truth, had been forced upon them, that it was better to acknowledge the principle in which all denominations were agreed, that religion must be made the basis of education; and, taking security that each denomination would fully carry out that principle practically, had consented to afford the utmost toleration to the conscientious scruples and opinions of all, and to assist all in promoting the secular part of education, requiring, however, that in all Protestant schools the Scriptures should be read daily by every child, and going the length of permitting, in deference to the feelings and opinions of Roman Catholics, that even the Roman Catholic religion might be made the basis of education in Roman Catholic schools. He (Mr. Hamilton) was not giving any opinion of his own on the propriety of this; he was only stating the fact, and adducing it as a proof of the extent of which toleration, in matters of education, were carried in England. Now, while this was the state of things as regarded education in England—while the State, dealing only with the secular portion of education, accommodates itself to the views, and scruples, and conscientious opinions of every denomination as regards religious instruction, a principle is rigidly maintained, as a condition of all aid from the State to education in Ireland, which has always been thought so objectionable by the great majority of the clergy and laity of the Established Church—so contrary to the principles of the Reformation, and so much at variance with the construction which most clergymen put upon their ordination vows, that they had found it impossible to take any share in education under the national system. This was to be found in the rule which places the Bible on precisely the same footing with all other books, and which compels all patrons of national schools in Ireland, either to exclude the Bible from the school, or the children from the Bible, unless their parents or guardians should permit them to use it. It had always appeared to him (Mr. Hamilton) so clear, that the unrestricted right of access to the word of God, at all times and in all places, was so peculiarly and pre-eminently the fundamental principle of the Reformation, and one which every Protestant must feel it so peculiarly incumbent on him to maintain in Ireland, that he had often wondered how it could be expected or supposed that the Protestants generally, or the clergy of the Established Church, especially, could sanction the system. The House would observe, he was not now encumbering the subject with any matters of detail or management, or making any charges against the National Board—he was not even saying that there might not be, in point of fact, many schools in Ireland, under the National Board, in which the Scriptures, or scripture extracts, were used—he was simply placing before the House the grounds, on principle, which created, in the deliberate judgment of the great majority of the clergy and laity of the Established Church, a conscientious objection to the system. He would put it to the plain sense of every Protestant who heard him, would a clergyman of the Established Church, in England, or the minister of any Protestant Dissenting congregation, consent to become the patron of a school, if the use of the Bible in that school, by any or all of the children, was to be made contingent upon the caprice or opinion of the parent or guardian of any child who might attend it? and the argument which he founded upon it was this, that, while in England you tolerate conscientious objections, in which many of you cannot concur, and modify your system so as to meet them, in Ireland you refuse to tolerate the conscientious objections of the members of the Established Church, though as Protestants you cannot deny their force. If it was necessary for him (Mr. Hamilton) to sustain the validity and reasonableness of the objections to the national system, he could support them on very high authority. The Bishop of London had declared recently, in another place, that if he was a clergyman in Ireland, he would be unable to give any sanction to the national system; and he (Mr. Hamilton) thought it was impossible for any one who read the speech recently made at the meeting of the Church Education Society, by the Bishop of Ossory, in which most able speech that distinguished prelate had brought his powerful intellect to bear upon the difficulties on both sides of the question, and not feel convinced that there were strong and reasonable objections which might operate upon any conscientious mind, and render adhesion to the national system impossible. The next objection which was entertained to the national system was one in which he believed he was joined by a considerable number of Roman Catholics—namely, the tendency which that system had, supposing its rules to be fully and fairly carried out, to secularise education—to make education merely secular, and deprive it of all religious character. For his (Mr. Hamilton's) own part, he believed it to be impossible that any system, founded and carried on upon the principle of united secular and separate religious instruction, could be otherwise than secular in its character. In fact, such a system supposed secular instruction to be the main point of education; and although in a model school, perhaps, you might exhibit children engaged in a common school room in secular instruction, and then retiring to their separate rooms for religious instruction, he believed it to be impossible to carry out such a system generally. It was a very true saying that the master makes the school; and if the business and object of the master is to instruct in secular matters, the school will inevitably be secular in its character. Now, it was his (Mr. Hamilton's) opinion and firm conviction, that a system of that kind, a mere secular system, could not, and ought not, to succeed either in this country or in Ireland. Such a system might perhaps succeed in a country where no strong religious convictions or feelings existed; but he thought in these countries it would be equally repugnant to the feelings and principles of Protestants and Roman Catholics. He would take the case of England first, and would quote the opinions of Roman Catholics on this subject. Last year he had read out some remarks in which he fully concurred, made on this subject by Dr. Briggs, one of the Roman Catholic bishops, at a meeting at York.

Much had occurred since which confirmed the argument he had then founded on Dr. Briggs' statement, namely, that Roman Catholics will not sanction anything in education which compromises its religious character. Since he (Mr. Hamilton) had last addressed the House, all the arrangements in reference to the education of Roman Catholics in this country had come out; and if the House would bear with him he would be able to show that in the concessions made by Government to the Roman Catholics, and the requirements of the Roman Catholics as the condition of their receiving aid from Government, there was much which bore directly upon the Irish question. The whole would be found in the first report of the Catholic school committee for the year 1848. This Catholic poor-school committee is appointed by the vicars apostolic; and when he (Mr. Hamilton) stated that the noble Earl the Member for Arundel was one of the trustees, he would say nothing stronger to entitle its proceedings to respect and consideration. The committee state, in page 7 of their proceedings, what had taken place in relation to Government and the Parliamentary grant for education, and they state as follows:—

> "In relation to Government, the committee are happy to be able to report progress. On the 18th December, 1847, the Committee of Council passed a Minute defining the conditions of aid to Roman Catholic schools. These conditions are as follow:—1. That the Roman Catholic poor-school committee be the ordinary channel of inquiries. 2. That Roman Catholic schools receiving aid from the Parliamentary grant be open to inspection, but that the inspectors shall report respecting the secular instruction alone. 3. That inspectors be not appointed without the previous concurrence of the Roman Catholic poor-school committee."

The committee then proceed to state for themselves—

> "Nothing can be more straightforward and intelligible than these terms of Government aid to Catholic schools. The Catholic school committee appointed by the bishops for this very purpose, with others, is recognised as the official organ of communication, and such of our schools as receive aid will be open to inspection, like the schools of all other religions; but the inspectors cannot be appointed without the concurrence of the poor-school committee, neither do they report upon the religious instruction. Priests teaching schools cannot receive aid from the Parliamentary grant, being in this respect in the same situation as Protestant ministers of all persuasions; but an exception may be made in favour of the superior at a normal school."

It is not unimportant to remark that the exclusion from participation in the advantages of the grant, extends to schoolmasters and assistant teachers who are in holy orders, and to them alone. There is not a word in the Minute against religious teachers not in holy orders. The committee proceed to state—

> "Shortly after the Catholic Minute had been sanctioned in the way recorded, Mr. Kay Shuttleworth, the secretary to the Committee of Council on Education, requested Mr. Langdale, the chairman of the Catholic poor-school committee, to meet him at the Council office. This interview was held at the desire of the Lord President of the Council; and the general principles of the Government grant were then communicated to the chairman, who at the time took a written memorandum of them. The third of these rules or principles are as follows:—Local management of the school to be in a committee composed partly of clerical and partly of lay members, whose authority will be limited to strictly secular education. Religious instruction, or where partly of a religious character, as in questions of historical controversy, the clerical members to be the sole authority. In cases of questions arising of a religious character, an appeal to be made to the Catholic bishop of the diocese. In questions purely secular, the Lord President of the Council will appoint as his arbitrator an inspector of Catholic schools, and the Catholic bishop of the district will appoint his arbitrator, and these will appoint a third."

And it is observed, in a note, that all the arbitrators must be Catholics. Now, he (Mr. Hamilton) had read these extracts for the purpose of showing the great and, as he thought, most commendable jealousy which the Roman Catholic body had shown, in their dealings with Government, for the preservation of the religious character and principles of their schools in England, and of the length which Government had gone in making concessions to their scruples in this respect. But the committee was not satisfied to let the matter rest even here; they take further steps to secure the distinctive character of their schools; they state, in page 15 of their report, the general regulations under which grants have been made are as follows; and the 10th regulation runs thus:—

> "Every school receiving aid from the committee, if placed by its managers under the special patronage of our blessed Lady, may, by application to the secretary, obtain the present of a beautiful image, prepared expressly for this purpose."

And, in reference to this, the committee remark—

> "In addition to grants of money, the committee have undertaken to present every school, aided by them, and placed by its managers under the patronage of our blessed Lady, with a beautiful image of the Madonna. This image has been universally admired, and will, it is hoped, increase the devotional element in the schools which have

applied for it. At a time when our schools are newly admitted to privileges, shared alike by professors of various religions, it is right openly to avow that Catholics, while they cherish love towards all men, yet can never, in the education of their children, abandon or conceal the distinctive truths of the faith. Of this determination the committee's Madonna is a very appropriate symbol."

There were only two other very short extracts, which he would read to the House. The first was from the address of the vicars apostolic to the committee, and it is as follows:—

> "We, the undersigned, the Catholic bishops in England and Wales, respectfully address the chairman and members of the acting committee of the Catholic institution, on the important subject of religious education of the children of the poor. We have sought, and still seek, our due share of aid from the Government of the country to assist us in this holy work; but to obtain this aid we cannot compromise in any way, or to the smallest extent, either our most precious faith or that salutary discipline which surrounds and protects our religion: while we study and desire to have peace with all men, we do not forget that we are watchmen on the towers of the city of God."

And the last quotation is from the letter of the Catholic bishops in England and Wales, to the chairman of the Catholic school committee—

> "We recognise your committee as the organ sanctioned by us of communication with the Government, and we have every confidence that your committee, in your communications and negotiations with Government for any Government grants, will be fully aware of our determination not to yield to the Ministers of the day any portion, however small, either of our ecclesiastical liberty, or of our episcopal control over the religious education of the children of the poorer members of our flock."

He (Mr. Hamilton) had read these extracts for a twofold object: the first was this—he put it to the House whether, when the Roman Catholics in England evince such a commendable jealousy as regards the principles of their religion, and as regards religious education, and for the distinctive characteristics of their schools; and when their scruples had been so fully conceded to—is it just or right to find fault with the clergy of the Established Church in Ireland, and to place them under a ban of exclusion, because they are equally jealous with regard to the maintenance of the great principles of the Reformation? And his second object was this. He would ask the House whether it was likely, considering the boldness with which the principles of religious education, and of clerical control, had been put forward by the Roman Catholics in England, whether, he would say, it was likely that a system differing so essentially in principle as the national system could be really carried out in Ireland by the Roman Catholic clergy? Last year he examined the list of schools under the national system, and compared the list of patrons with the names of the clergy of different denominations in Ireland, and the result was then as follows:—There were, in the whole, 4,088 schools in Ireland under the national system; of these, no fewer than 2,505 were under the patronage of clergymen of the Roman Catholic Church, 384 under Presbyterian clergymen, and 96 under clergymen of the Established Church. Now, after what he had quoted from the committee of the Catholic poor schools as the opinion of the highest Roman Catholic authority, can any reasonable man hesitate to believe, that in the 2,505 schools under the patronage of Roman Catholic clergymen, and many of them in connexion with Roman Catholic chapels and religious establishments, the peculiar tenets of the Roman Catholic religion are made the basis of education, and that, in point of fact, those schools are Roman Catholic schools to all intents and purposes? On the other hand, take the 384 schools under Presbyterian clergymen—can any one doubt but that scriptural instruction is made the basis of education in these schools? So that in point of fact, instead of a united system, which the national system purports to be, you have two classes of schools in Ireland—the one scriptural, by straining the rules of the board; the other Roman Catholic, by also straining the rules of the board; and you have at the same time the clergy and laity of the Established Church excluded from all share of State education by reason of their conscientious convictions. He would ask the House was that a right or a sound state of things? He (Mr. Hamilton) would now state very shortly what the nature of the society was which was excluded from all share of State favour. The second of the fundamental rules of the Church Education Society states, that its object is to afford to the children of the Church instructions in the holy Scriptures, and in the Catechism, and other formularies of the Church, under the direction of the bishops and parochial clergy, and under the tuition of teachers who are members of the United Churches of England and Ireland. The holy Scriptures shall be used in the daily instruction of every child in attendance who is capable of reading. The schools of the society shall be open to all children whatsoever belonging to the parish in which the school may be situate, and having the parochial minister's approbation for attending it; and no child shall be excluded on account of the inability of its parents to pay for its instruction. This was his (Mr. Hamilton's) case. He wanted to know on what principle it was that, while Government in England support and assist Roman Catholic schools, who gloried in their distinctive marks, and who for the purpose of preserving their peculiar distinctive religious character, used symbols which rendered them inaccessible to Protestants, all aid is refused to schools in connexion with the Established Church in Ireland? He wanted to know on what principle it is that, while in England you have such regard to the conscientious opinions of Roman Catholics, that you assist their schools notwithstanding those distinctive characteristics of which, as Protestants, you must disapprove; in Ireland you make no allowance for the conscientious convictions of Protestants on a matter involving, as they think, a fundamental principle of the Reformation, and refuse to assist schools the rules of which require that the formularies of the Church should be taught to the children of the Church, and scriptural instruction given to all. He (Mr. Hamilton) earnestly hoped Her Majesty's Government would take these matters into their consideration. It ought to be an object with all parties in the House to place a subject so important as education in Ireland on a satisfactory footing. He did not believe there would be as much difficulty in effecting this as was generally supposed, if the noble Lord at the head of the Government would take up the subject with a view to a satisfactory adjustment. The Established Church only claimed for themselves the freedom which was allowed to others. The system was such as to enable all other denominations in Ireland to establish schools without offence to their conscientious convictions. Enable the clergy of the Established Church to do the same. Where parties are desirous of establishing scriptural schools, enable them to establish them, and let children attend them or not, as they or their parents might think proper. There was one argument used in support of the national system, which probably he should not have noticed, if it had not come from a very high authority. The national system was defended upon the grounds of an analogy supposed to exist between that system and the plan of education adopted in the University which he (Mr. Hamilton) had the honour to represent. But surely an analogy could scarcely be sustained between a university for the completion of the education of young men, and schools for the education of the poor. In the former case it must be presumed that the Christian religion, or at least its leading principles, had been taught to each student before he entered the university. In the latter it must be obvious that, inasmuch as the children of the poor, if they go to school at all, they must go at an early age—they must be taught religion in school, and must depend upon their masters for religious instruction; and that consideration alone, he thought, was sufficient to overthrow the analogy. But, in point of fact, the system of Dublin resembled much more nearly the system of the Church Education Society than that of the National Board. At the preliminary examination on entrance, all the students were obliged to pass an examination in portions of the New Testament, with the view of ascertaining their knowledge of the Scriptures. So far you have the scriptural principle; and several books of a religious character constituted also a part of the undergraduate course for every student; Roman Catholics, it is true, are not compelled to attend chapel, or to learn any of the formularies of the Church. In this respect also it resembled the system of the Church Education Society. But there was no prohibition with regard to any student seeking or obtaining religious instruction from his tutor; on the contrary, if he sought it, his tutor would be bound to give it. Very different from that was the system of the National Board, which subjected the master to dismissal if he instructed children in the Bible contrary to the rules of the board. He (Mr. Hamilton) would now conclude. He had that day presented a petition, signed by 64,000 of Her Majesty's subjects in Ireland; he had also presented a petition, signed by 1,587 of the clergy of the Established Church in Ireland; the petitioners in both state their conscientious objections to the national system; they pray for toleration—they pray that the principles which you apply to education in England may be applied in Ireland—they complain that, because of a conscientious conviction, which, through evil report and good report, they hold, and must continue to hold, they are debarred from all advantages in the educational grants in Ireland, while they see all other denominations in both countries freely admitted to it. It is strange, in these times, that such a petition should be necessary on the part of the members of the Established Church. It is stranger still that the prayer of it should be opposed by those who set up so pre-eminently as the advocates of the principles of education and of civil and religious liberty. Whatever might be the result of his Motion on the present occasion, and however it might suffer from the feeble advocacy of the individual who was then addressing the House, he felt the strongest confidence that the question only required to be understood by the people of England, in order to induce them, by the force of public opinion, to compel Government to do justice to the conscientious feelings of the Protestants of Ireland. He believed that a love of justice, toleration, and fair play, were pre-eminently the characteristics of Englishmen. He believed further that a regard for the fundamental principles of the Reformation was deeply rooted in the English mind, and that they would be disposed to sympathise with the Protestants of Ireland in the anxious and zealous regard with which they held those principles, from the maintenance and advancement of which, in Ireland, he (Mr. Hamilton) conscientiously believed the moral, social, and physical improvement of Ireland, more than upon any other cause, depended.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct that such a modification of the system of National Education in Ireland may be made as may remove the conscientious objections which a large proportion of the Clergy and Laity of the Established Church entertain to that system as at present carried into operation; or otherwise that means may be taken to enable those of the Clergy and Laity of the Established Church, who entertain such conscientious objections, to extend the blessings of Scriptural Education in Ireland."

Mr. HEALD seconded the Motion.

Sir W. SOMERVILLE said, his hon. Friend had kept the word of promise with which he opened his speech, namely, that he would indulge in no observations or remarks calculated to give offence to any Gentleman who might hold different opinions from himself, If he (Sir W. Somerville) were inclined to take exception to any part of his hon. Friend's speech, it would be to the part wherein he intimated that upon this question he was giving expression to the feelings and convictions of the Protestants of Ireland. His hon. Friend forgot that the Protestants who differed from his views were equally conscientious with himself, and that they did not agree with him. He denied that a majority of the Protestants of Ireland was opposed to this system. The great objection, however, which he had to the Motion was, that, let it be proposed under what aspect it might, it went to the abolition of the national system of education. The moment that system was divested of its character of universal operation—the moment its distinctive character was banished—it would become a system which would recognise only a sect. It would not be national education, and there must be a grant for the education of every religious denomination. For these reasons he did not think the Motion would be conducive to the interests of Ireland, and therefore he could not consent to it. The question was one of extreme difficulty and of extreme importance. He need go no further back, to show the difficulty of the question, than to the year 1832, when Lord Stanley founded the present system, and when the educational progress of the people was very limited. Let the House remember the number of commissions issued in progress of the inquiry; and that in one of them several prelates of the Established Church recommended to Parliament the adoption of the present system. The system had been in operation now for sixteen years, and it had been eminently successful. They had upheld their course through good report and through evil report, and their efforts had been crowned with success; and he believed the system was daily recommending itself more and more to the people of Ireland of every class and creed. It was a system that was free to all—that coerced the consciences of none—and that held out the blessings of education equally to every part of the community. His hon. Friend stated, that no system of education was tolerable that was not based on religion. If the phrase had any meaning, it was, that no system of education should exist which did not require from those who took advantage of it, submission to the religious education established in the schools. Was that the case in England? Did not the hon. Gentleman know that the students of Trinity College, Dublin, were allowed to take advantage of the education which it afforded, without attending a particular form of worship? The hon. Gentleman said, that the Roman Catholics were ready to support his view of this question. He believed his hon. Friend must be under a mistake; or, if not, the Roman Catholics of Ireland had very materially altered the views formerly entertained by their body. He found in *Plowden's History of Ireland*, that in the year 1795, while the Catholic College Bill was under consideration, Mr. Grattan presented a petition from the Roman Catholics of Ireland against two provisions contained in the Bill, the second of which was, that by which no Protestant, or child of a Protestant father, should be permitted to receive education in that college; and the ground of their opposition was, that it tended to prevent that harmony, union, and friendly intercourse through life which might be extended through different persuasions receiving their education together, and the happy effects of which had been felt from the permission that had been given to have Roman Catholic youths educated in the University of Dublin. He thought he was right, therefore, in stating that the Roman Catholics of Ireland must have altered their opinions very much, if they were now opposed to a united system of education ; for this petition, it should be observed, was described as being from the Roman Catholics of Ireland generally. His hon. Friend had stated, what he was sure he would hereafter regret having said, that any support to the national system of education was contrary to the ordination vows of the clergy. He believed that his hon. Friend had greatly underrated the support which the national system received from the Protestant clergy in Ireland. He believed that he did not overstate the number at 500 of that body, as being in favour of the national system; and, as regarded the laity, a much larger proportion entertained similar views. It was well known that the Presbyterian clergy were, almost to a man, or at least considerably the larger portion of them, in favour of the system; so that, taking the whole Protestant population of Ireland, it would be found that a majority of them was in favour of the national system of education. Coupling that fact with the circumstance that the system was supported and taken advantage of by the great majority of the Roman Catholic population, it was not too much to say that the system of education as now carried on in Ireland had a fair right to be declared and received as a national system, and as receiving the support of the great majority of the Irish people. If hon. Members had read the fifteenth report of the Commissioners of National Education in Ireland, they would see that the system was extending itself. On the 31st of December, 1847, there were 3,825 schools, having 402,632 pupils, under the board. At the close of 1848, the number of schools was 4,109, and of pupils 507,469, showing a total increase in the schools of 284, and in the enrolled pupils for the year ending the 31st of December, 1848, of 104,837. Now, looking to the condition of Ireland at the present moment—looking to the amount of misery and distress that had overtaken that unfortunate country—it was, he would say, an extraordinary fact that there should be at this moment 500,000 children attending the schools of the National Board. And he would caution the House not to be hasty in disturbing a system which must eventually bring forward good fruits, and be the means of regenerating the social system of that country. He did not complain of this Motion being brought forward. He was convinced that his hon. Friend was actuated by the most conscientious motives in bringing the question before the House, and he was also satisfied that the large proportion of the Protestant clergy of Ireland were likewise influenced by the most conscientious motives in their hostility to the system; but at the same time he believed that that opposition of the Protestant clergy was diminishing, and had materially decreased since the first introduction of the system. He believed it was every year becoming less, and he therefore regretted the more that his hon. Friend should have thought it necessary to reopen the question on the present occasion. He hoped they should never forget the services of those who had been instrumental in establishing this system. While they had been engaged in that House in the more exciting pursuits of politics, others in Ireland, under much obloquy, had been instrumental in forwarding this system. He thought that Ireland owed a deep debt of gratitude to Lord Stanley and the Government by whom the system had been introduced; but there was one individual whose motives had been impugned, and made the subject of obloquy and reproach—he meant his friend Dr. Whateley, the Archbishop of Dublin, to whom, from his steadiness in upholding this system, they owed a debt of gratitude they could never repay, or never sufficiently acknowledge. In the last paragraph but one of the last report of the commissioners, he perceived an allusion to the death of a dear and regretted friend of his, who was equally entitled to the gratitude of the Irish people. He meant his lamented friend the late Anthony Richard Blake, who had marked his devotion to the system by the munificent gift of 1,000*l.*, to be expended in forwarding the system of national education. He would not enter more in detail into this subject. The House would see that the system was established throughout the country, that the number of schools was increasing, and that they had every reason to hope that as the system progressed the education and well-being of the people would increase. He sincerely hoped, therefore, that the House would pause before it did anything to shake the confidence of the people in the permanence of the system; and, entertaining that view, while he gave every credit to the motives of his hon. Friend in bringing the subject forward, he hoped the House would agree with him in rejecting the proposition that had been made.

Viscount BERNARD said, that, as representing the opinions of a large number of the clergy and laity of the south of Ireland, he felt it his duty to express his regret that the right hon. Baronet the Secretary for Ireland should have been led away by the mistaken assertions of the commissioners, with regard to the progress and increasing popularity of the national system of education. It was only this very day that he had presented a petition signed by ninety-one Roman Catholic heads of families in the west of the county of Cork, describing the benefits which they enjoy from the scriptural education afforded to their children by the Church Education Society, and praying for an extension of that system. He objected to the national system of education, because he believed it to be wrong in principle, and dishonest in practice. He objected to it, because it had utterly failed in its objects, and because its promoters had never adopted any honest mode by which the united system of education could be effectual. An analogy had been drawn between the workhouse schools and the national schools, though in the former a neutral board of the laity was present to settle any disputes that might arise; while in the latter there was no appeal except from the Roman Catholic schoolmaster to the Roman Catholic priest by whom he had been appointed. Upwards of 100 years ago, Archbishop Boulter, in writing to the Duke of Dorset, in 1734, said—

> "I have no doubt the King would grant an annuity to us for education, but it would cause a clamour in the House of Commons."

And the very same objection to a grant appeared to exist at the present day. He believed that a more determined advocate of scriptural education never existed than the distinguished prelate who now presided over the Church of Ireland. He considered that the national system had utterly failed in the attainment of the objects which were sought for, and in proof of it he would read the following opinion of the pious Bishop Jebb, Bishop of Limerick, who said—

> "Plans have been submitted of generalised education; with these, the clergy have manifestly nothing to do; of such plans the fate is to be decided by parliamentary wisdom and discretion; but specific church-in-Ireland education is a subject in which the clergy feel the deepest concern: and feeling this concern, they naturally wish that it should at once engage the attention and elicit the bounty of Parliament."

In the year ending December, 1847, the increase in the number of schools in connexion with the National Board in the county of Cork was sixteen, while the increase in the number of scriptural schools for the same period was nineteen. In the national schools there was a decrease in the number of pupils of 12,339, while in the schools of the Church Education Society there was an increase of 5,835. The average expense for each scholar under the national system was 15*l.* 10*s.*, while under the Church Education Society it was 3*l.* 10*s.* The right hon. Baronet had alluded to the increase in the number of scholars in a time of distress and famine; but he ought to have added that this increase was owing to the workhouse schools, and to the number of children who had been forced to become inmates of the workhouses. In the year 1847, there had been a decrease of 53,788 pupils in the national schools, while, for the same period, there had been an increase of 20,000 in the schools of the Church Education Society. How was it that in that report they heard of agricultural schools about to be opened, the rules for the regulation of which schools were to be laid upon the table of the House next year? How was it that the right hon. Baronet did not promise to have the rules ready before next year? But, in fact, he (Viscount Bernard) thought that the national school system could not last in Ireland much longer.

Ultimately, the consistency, the piety, and the devotedness exhibited by the Protestant clergy of Ireland must be triumphant. It would prevail, notwithstanding the attempts that had been made to corrupt them by Government patronage—notwithstanding the return to the ancient policy of Ireland, in excluding men from benefit on account of their conscientious opinion. He appealed to English Gentlemen, if it were right that men of great and distinguished learning and piety should be excluded from all patronage, because they would not adopt a system which he had never yet heard any one say was favourable to the Protestant Church? He asked pardon for so long occupying the attention of the House, but he was only discharging what he considered to be his duty. They had attempted by penal laws to suppress the feeling of the people of Ireland. They had attempted what they miscalled conciliation. He begged of the Government now, for once, to abandon a system which had sown as it were the fabled dragon's teeth, and to adopt a system of scriptural education for the Irish people, which would instil into them doctrines of harmony and peace here, and lead them to eternal happiness hereafter.

Mr. MOORE said, he regretted that the Motion of the hon. Member for the University of Dublin should have been couched in such sectarian terms, for he believed there was a large body of the clergy of both denominations in Ireland who saw much to find fault with in the present system of national education. He believed, likewise, that many of the clergy of both denominations supported it, not because they thought it the best system that could be adopted, but simply because they thought it better than no system of education at all. But the most stern of both denominations opposed it altogether, on the same grounds and under the same religious convictions—because they thought that a system of education conducted without religion was essentially a system of irreligious education, and that the attempt to teach a neutral religion tended to confound the limits of truth and falsehood—because it seemed to be founded upon the principle that the points upon which men differed were less essential than those upon which they chanced to agree. The hon. Member for Fermanagh, in the irregular and indifferent manner in which he threw aspersions about, had charged a prelate of the Catholic Church with opposing education altogether; but he ought to have known, and he might have known, that that most reverend prelate only opposed that which he thought was an irreligious system of education, and that he only opposed that which the clergy of the Established Church opposed, and for the very same reason—that he only opposed that which the hon. Gentleman himself was, he believed, ready to oppose by his vote that night. He (Mr. Moore) should be most happy to assist the hon. Gentleman the Member for the University of Dublin in any large and comprehensive proposition for such a change in the system of national education in Ireland as would meet the views of all religious denominations. But a resolution expressed in the sectarian terms in which the Motion before the House was couched, he could not support; for, besides the sectarian views of one side being put strongly forward, there was something like covetousness and greed in those two resolutions. What could be thought of the second of them, which asked for funds from the State for the benefit of the Established Church system of education, when it was considered that the vast funds placed at the disposal of the Church in Ireland in Roman Catholic towns for the support of the clergy and the poor, and the education of the humbler classes, had been appropriated at the time of the Reformation to the Protestant Church entirely—that those vast revenues were now taken from both the purposes for which they were originally intended, and appropriated entirely by the Established Church—and that this Established Church was now asking Parliament for further funds in order to provide for religious education? It was such a proposition as he, at all events, would not assent to.

Sir A. B. BROOKE begged to explain. The hon. Gentleman had referred to some observations made by him on a former occasion, the exact terms of which he really could not recollect. But as the hon. Member had charged him with being in the habit of making statements in an irregular and inconsiderate manner, he could only say that he should endeavour for the future to imitate the hon. Gentleman, who was certainly a model of propriety. As far as he could recollect, he drew a comparison between the relative condition of education in the provinces of Ulster, where the schools were, for the most part, under the management and direction of the Church Education Society, and of Connaught, where they were under the National Board. And he said that Dr. M'Hale had done his best to check the spread of education under that board. He stated, in furtherance of his argument, that in Ulster there were 1,528 schools, whilst in Connaught there were only 439; and that the majority of the educated over the uneducated in Ulster was 600,000, whereas the majority of the uneducated over the educated in Connaught was 400,000, making a difference of exactly 1,000,000 of educated in Ulster over uneducated in Connaught. He said that Dr. M'Hale had so far succeeded in checking the spread of education; and it was to that they could attribute the miserable, uneducated, uncivilised, and backward state of Connaught, and the want of proper feeling which prevailed there. And he now told the hon. Gentleman who belonged to that province that it would be well for the people if in Connaught the same system were established as prevailed in Ulster.

Mr. NEWDEGATE said, that he had hoped, from the commencement of the speech of the hon. Member for Mayo, that he was about to support the Members of the Church of Ireland in their complaint of the grievance under which they laboured; but the hon. Member had said that the resolution partook of a sectarian character. The answer to that was that the hon. Member for Dublin University did not propose to deprive the Roman Catholics of any benefits which they enjoyed under the national system; he only asked, on behalf of the Protestant Church, the same toleration which the Government had extended to the Roman Catholics. He begged the House to consider the great concessions which had been made to the Roman Catholics in Ireland; and then to remember that this system was opposed by two-thirds of the Protestant clergy, backed by the petitions of 64,000 of the laity; and when it was said that the Roman Catholic hierarchy was favourable to the national system, the conduct of that hierarchy respecting the proposed colleges was a sufficient answer. In England the Government based their alterations of the system upon their experience since 1843; but, in Ireland, they always reverted to the year 1831. Had they then no experience of national education in Ireland? Had not the complaints of the system been gradually growing more general, until now the Roman Catholic clergy participated in them? Lord Stanley's authority had been quoted in support of the system, but it must be remembered that vast alterations had been made since it left Lord Stanley's hand. It was very well to say that it worked well amongst the Presbyterians; the Presbyterian system was more arbitrary than that of the Church, notwithstanding its democratic basis; and the Presbyterians adopted the grant of the Government only where the preponderance of the population gave them complete control; and then, availing themselves of the Government grant in those places, they could apply the funds raised by subscription to other places differently circumstanced; but it was impossible so to appropriate the funds of the Church; each locality must provide for itself. He would not further trouble the House, except to express his cordial concurrence in the prayer of the Church of Ireland.

Lord C. HAMILTON said, that as this was a subject in which his constituents felt a deep interest, he could not allow this occasion to pass without a few observations. He had listened to the statement of the right hon. Gentleman the Secretary for Ireland, but it seemed to him that the right hon. Gentleman had managed to avoid the difficulty of the case. The right hon. Gentleman appeared not to be in the least aware of the grounds upon which numbers of persons were seriously opposed to the present system and operations of the National Board, although they were ready, as he himself was, to agree to the principles professed by the board, but which were not carried out. The right hon. Gentleman was pleased to assume the adhesion to the present system of a very large majority both of the Presbyterian ministers and ministers of the Established Church. He thought that no Gentleman hearing the statement of the right hon. Gentleman, and who had not given his attention to this somewhat difficult subject, could be aware of the position and constitution of a vast number of the schools founded under the National Board. It was the fact that two-thirds of those schools were not bound by the rules of the board; they were then called non-vested schools, the patrons having delegated to them the power of giving what religious instruction they pleased, and at such hours as they thought proper, or of giving no such instruction at all. Any one would have supposed, from the statement of the right hon. Gentleman, that the system was an united one: but that was a delusion, and, in fact, no other system in Ireland exhibited so great a want of unity. The 14th report of the Commissioners on National Education, Ireland, would show that the contrary was the fact. It would appear that there were 423 Presbyterian ministers who were acting as patrons of national schools; but then all these schools were not under the control of the board. Of the 423 schools, only 28 were vested, and under the control of the board. He challenged contradiction to those facts; if they were disputed, he would substantiate them by documentary evidence. So that there were 395 patrons of non-vested schools. Now, the number of non-vested schools as compared with vested schools is as two to one—but the number of Presbyterian ministers acting as patrons in the respective schools is, fourteen in the non-vested to one in the vested schools. This exhibits clearly that the Presbyterian clergy as a body have not, as it has been sought to prove, at all modified their views on scriptural education, and have only joined the board in a manner that enables them to exercise their own discretion. If any thought that the Presbyterian body would give in their adhesion, without stipulating that they should have free action with respect to their scholars, they very much mistook the pertinacy of that body. The Presbyterian body certainly availed themselves of the privilege of obtaining books at a reduced price; but they would admit of no interference with respect to the religious instruction which they conscientiously thought should be administered to their pupils. With respect to the Established Church, it had been said that out of 2,000 of the clergymen of the Established Church, 500 had given in their adhesion to this system; but after a rigid examination of the number of patrons, it would appear that there were only 127 clergymen of the Established Church patrons of non-vested, as against 48 patrons of vested schools. To that small minority the course of patronage had been mainly diverted. For years it had been felt that it was a bar to a man's advancement in that profession if he had not given in his adhesion to the National Board. The first question addressed by Government to an applicant was as to his opinions on the subject of the Board of National Education. He would now shortly state the grounds upon which he was opposed, not altogether, but to a great extent, to the way in which the National Board carried out the duties they had undertaken. He must, however, first state that he thought their training schools worthy of all praise, and their books most excellent; in fact, the latter were most extensively used in the Church education schools. But what he did complain of was, that the board wholly failed to establish a united system of education, embracing the children of all denominations, and that it did permit scriptural knowledge to be excluded entirely from hundreds of schools. No doubt the system had been undertaken with good intentions; but what he insisted upon was, that the board had not fulfilled the pledges held out to the public, and that it never could do so until the system was based on a principle of scriptural education. By a return partly moved for in 1843, and to which an addition had been made in his Motion in the last Session, it would appear that in spite of the recommendations of the commissioners more than one quarter of the whole number rejected and repudiated the scriptural extracts—that they would not admit them within the walls of the schools, or allow them to be read. Perhaps the House was not aware that a work was compiled called Scriptural Extracts, which received the sanction of high dignitaries in each Church, namely, Archbishops Whately and Murray, and the approval of distinguished laymen of both creeds. This work was repeatedly and earnestly recommended to be used as a class book—it was allowed to be read in school-houses—not only on its own merits, but as a preface to the reading of the holy Scriptures, which the commissioners of the board profess to believe to be the only true basis of all sound knowledge. Yet with these recommendations, they allow it to be wholly excluded from more than a quarter of the whole number of schools. Now if that were the case, he thought the House would agree with him, that there must be some fault in a system which allowed the recommendations of such influential men to be set at nought. He found it stated in the public papers that Lord Clarendon had paid a visit to the training schools. He expressed his high gratification at the visit, but also expressed his regret that so large a number of persons were carrying on a crusade against the system. His Excellency alluded to the charge that bibles were not given to be read in the national schools, and said that if there were any such rule laid down by the board, or if no time was given to religious instruction, there would not be found a more uncompromising opponent of the system than himself. He said also that the class books and scripture extracts were, to his own knowledge, used in the schools in Dublin; but would Lord Clarendon have expressed this opinion if he had known that in no fewer than 1,250 of the schools under the board, or more than a quarter of the entire number, all religious instruction was utterly excluded, and the class books and scripture extracts completely rejected? How were these things to be explained? He knew that, in his own neighbourhood, these extracts were excluded; and how, then, could it be said that this system was based upon religious instruction? Sir Robert Peel, in writing to the Primate of Ireland a few years ago, said that the national system ought to have a religious basis; and the supporters of the system treated as a libel upon the Education Board the allegation that they excluded religious education. What, then, must be said to the fact, that 1,250 of the schools excluded even the scripture extracts? and as the average number of scholars in each school was 104, there must be about 130,000 children who were being educated in these schools in total and entire ignorance of anything in the shape of scriptural knowledge. Was that not a most monstrous state of things for a Christian country? He did not want to force upon the children of Roman Catholic parents any doctrine unpalatable to that Church; but he would appeal to the authority of Archbishop Murray, who had all along said that the scripture extracts ought to be made a class-book. It was neither politic nor economic to bring up the Catholic youth in this state of darkness; and it would be a wiser policy to adopt a more expensive system of education, which should introduce religion, but in no sectarian or exclusive spirit. Such a thing could not be contrary to true liberty of conscience. They might trace the progress of crime to be in the direct ratio in which the Scriptures were excluded from the schools. In Ulster, crime was, with respect to the total number of the population, represented by one offence to every 1,629 persons; in Munster, the proportion was one in 745; and in Connaught, one in 360. And these numbers represented, with sufficient accuracy, the proportion of schools in those provinces in which the Scriptures were excluded. And did not that show how dangerous it was to leave the people without the benefits of scriptural training. It had been entirely assumed for the last few years that the present system was the only system that would answer and accord with the feelings of the people; but this assumption was altogether unwarranted by the fact. There was another society in Ireland which really did give a united and a scriptural education; and the success it had met with proved how popular it was with the parents of all denominations. But every attempt had been made to crush the system of the Church Education Society; but this was in reality the only united system in existence in Ireland, and it would be more fitly named the Scriptural Education Society of Ireland, for the present name led many to suppose that all the children were instructed in the catechism and formularies of the Established Church. Such was not the case. The House might be surprised to learn that in numbers of cases the system of education pursued in these schools was infinitely preferred even by Roman Catholics. He knew of cases where the children of Catholic parents travelled miles, and passed the door of the national school on their way to attend the school of the Church Education Society. The total number of children educated in the schools of this society was about 120,000, of whom about 62,000, or the majority of the whole number, did not belong to the Church, and of whom there were 46,000 Roman Catholics and 15,000 Presbyterians. Now, in great numbers of the schools under the National Board, the children were either all Roman Catholics, or all Presbyterians; while the schools of the Church Education Society exhibited a combination of children of all creeds. The Church Education Society invited the strictest investigation, and it would be found on inquiry whether the system they practised was not the one recommended in the blue books—namely, that of a really national system. He hoped the House would suspend their judgment, and not believe, when they supported the National Board, that it was the only system under which the children in Ireland were at present being educated. They did not ask for Government influence in favour of their schools; they merely wished to receive a share of the public support, and considering that there were 120,000 children educated in these schools, and 46,000 of them Roman Catholics, he thought the Church Education Society might fairly ask to be allowed to participate in that grant which was given by the British public avowedly for a national and religious system of education in Ireland. At present it was entirely supported by voluntary contributions —and he appealed to the House whether the best test of merit was not that of competition. Let the parents of Ireland decide which system they prefer; but do not allow any set of men to assert that the parents of Ireland do not wish their children to read the Scriptures, but let the parents speak for themselves, by giving them a choice, which could only be done by strengthening the hands of the Church Education Society.

Lord J. RUSSELL said, that having heard the objections of the noble Lord, he must still say that this system—having been adopted in 1831 and 1832, and having been pursued from that time under different Governments—having now arrived at that point at which, by the last official report, it had 4,000 schools established under it, and educated upwards of 500,000 children—he thought that there ought to be a strong case made out to induce the House to say, "We will put an end to this system—we will adopt another which may be better, but which shall uproot that which has continued for seventeen years, and given education to so many children who never had an opportunity of receiving it before." The noble Lord was, he thought, most inconsistent in his objections to the system. He (Lord J. Russell) did not mean to say that this was a completely perfect system of education, or the very best which, were circumstances other than they were, might be adopted. What the original authors and promoters of these schools — established first under Lord Stanley—said, was, that various attempts had been made to diffuse the benefits of education, all of which had failed, from the impossibility of overcoming the obstacles which appeared in the way, so that it became necessary to suit the mode of conveying it to the capacities of those who were to receive it. Now, one of the first objections made to the promotion of a scheme of education was, that Roman Catholic parents would not agree to the instruction of their children in the Protestant Scriptures. He said Protestant, meaning the version authorised and adopted by Protestants, but not the version which the Roman Catholic priests or laity believed to be the true version. Now, it was not giving them religious instruction according to their belief, if you say you make it compulsory that they should receive education in a version of the Scriptures which they do not believe to be a true and complete one. But then the noble Lord said that, after all, there was a great number of these schools which were non-vested, which were not completely in union with the National Board, and which did not adopt its regulations. Now, he would have thought that the noble Lord would have approved of schools of that kind, for they did not adopt in many respects the scheme which he advocated. It was not, however, true to say that these schools did comply with the regulations of the board. In some particulars only they were not subject to these regulations, and the patrons of the schools in question were allowed to take their own course. A patron connected with the Established Church might say, that from ten o'clock till eleven o'clock instruction should be given in the Scriptures, the Catechism, and the peculiar doctrines of the Church of England; but from the latter hour to that at which the school rose there should be no instruction which could not be given to Roman Catholics as well as to Presbyterians and Episcopalians; and therefore the Roman Catholic scholars were not obliged to attend the religious instruction during the first hour of school. But the patron could say, beyond that, that no religious instruction would be allowed except that of the Church of England; that power, he should have thought, would have rather diminished the objections of the noble Lord opposite, than have increased them, because it showed a very considerable latitude in the plan of the National Board. It showed that it had no objection to such schools being connected with it. But then the noble Lord took another objection, and one which seemed to him (Lord J. Russell) of a very different kind from the others. It was, that the scripture extracts were not read in a great number of the schools; and he estimated that out of 4,000 schools there were 1,200 in which they were not read, leaving about 2,800 schools in which the extracts were read. But then the noble Lord here showed that there were a great number of schools in which the extracts were read. Now, the objections made on that head by the Church Education Committee were two. The one was, that these scripture extracts were very partial —that they showed a bias towards Roman Catholic tenets; and the next, singular to say, was, that the National Board did not insist on the compulsory reading of those extracts in every school under its direction. The first objection was, in fact, that the extracts never ought to be read at all, and the second was, that they were not read everywhere. Now, it appeared to him that the board had taken a very judicious view as to those extracts. He owned that when they were first set on foot, in the year 1831 and 1832, it seemed to him impossible that a Roman Catholic archbishop could agree to extracts of which a Protestant archbishop was the chief author and compiler. But, however, with regard to 2,800 schools, that difficulty had been got over, although the Roman Catholics in general conceived that the extracts had a Protestant bias, just as the Protestants were of opinion that they had a Catholic bias. But the noble Lord was wrong in saying that it followed that because scripture extracts were not read during school hours, that there must be a necessary absence of religious instruction. The principle first adopted—having in view the strong objections of the Roman Catholics to the reading of the authorised version of the Scriptures—was founded upon a desire to give as much secular instruction as possible during school hours, and to leave to the religious teachers of the several religious bodies the duty of imparting religious instruction to the children belonging to these bodies. He might add, that he believed that the Roman Catholic clergy were most anxious that the children of their persuasion should receive religious instruction. It was not, therefore, true to say that these children received no religious instruction. But the question was, what was the alternative proposed by the hon. Gentleman the Member of the University of Dublin, who made the Motion before the House. He proposes the adoption of a modification of the system. He said, "Let us have a modification in which everybody can agree." Modification was a very gentle term; but as he (Lord J. Russell) understood the word, it meant the institution of a compulsory reading of the Scriptures by Roman Catholic children. To this their parents would object; and the result would be, that of the half million of scholars, a great proportion would be at once driven from the schools. They would not succeed in teaching the children the Scriptures, and they would fail in giving them secular education. They would take away one part of the instruction, and not leave the children the other. Now, he, for one, would be very unwilling to do this. They had heard of the benefits which Ulster had received from a widely-diffused system of education; of that system Connaught was deprived, or at all events it was only making very slow progress there. He entreated them, therefore, not to come and plant an additional obstacle in the way—not to establish a system of education from the benefit of which every Roman Catholic bishop and priest would think that they were in conscience bound to debar the children of their persuasion. But the last alternative mentioned was, that there ought to be some grant made to the Established Church, in order to enable it to instruct its children according to its own doctrine. Now, to this there were two objections. The first was, that the House could hardly adopt it without consenting to extend a similar beneficence towards the Roman Catholic Church. The House had heard the terms on which the Committee of the Privy Council extended aid out of the national fund to the Roman Catholic schools. These terms, in fact, gave to the Roman Catholic Church the complete education of the children, making the schools religious ones, and only providing for the inspection of the secular department. But then, if they were to make education exclusively Roman Catholic, he was sure that hon. Gentlemen opposite, who supported the modification now proposed, would be the first to assail us with the charge of teaching religious error, and would object at least, as strongly to education being entrusted to Roman Catholics, as they did now to a system of general education. The other objection was, that it appeared to him that the funds of the Established Church in Ireland ought, without any grant, to be sufficient for such purposes. The noble Lord who had last addressed the House, had spoken of the schools to which he was attached, and which he favoured, as if they were under some degree of persecution—as if they were hardly allowed to teach the catechism according to the doctrines of the Church of England, so sorely were they oppressed. Now the party of the noble Lord had perfect liberty to establish such schools as they thought proper. If Roman Catholics were eager to partake of the benefit of scripture instruction in the Church of England schools, the latter might be established by individuals. The Church of England, as established in Ireland, was a rich Church. The laity of that Church, as individuals, were in possession of a great part of the property of Ireland, and were therefore not the persons who ought to complain that they had not the full means of establishing educational institutions if they thought proper. He was reminded by all this of a saying of a Protestant bishop of the last century, who, when he was accused of distributing Roman Catholic books—books of religion and morality—amongst the people of his diocese, and disseminating error, said, he should be very glad if all the people of his diocese were good Protestants; but as he could not make them good Protestants, he was glad to have good Roman Catholics and good Christians, and therefore it was that he circulated books of religion and morality amongst them. That was a most charitable and most wise sentiment. This law had been adopted for nearly seventeen years, and he trusted the House would not consent to its abrogation.

Mr. NAPIER said, as a sincere and conscientious Protestant, he should express his disapprobation of any member of that Church who would seek to undermine the religion to which he belonged; but he did not entertain the same sentiment towards a conscientious Roman Catholic. There was one sentiment of the noble Lord which he would proceed to grapple with. The noble Lord had said that the Protestant clergymen of Ireland were wealthy enough to support their own schools. ["Divide, divide!"] At that late hour (a quarter to one) he would not trespass long on the attention and patience of the House; but he would just observe with respect to the clergymen of the Protestant Church in Ireland, that if the property they possessed were divided, it would leave them on an average an income of about 170*l.* a year, and deducting poor-rates and other expenses from that, would leave them very little for the support of education. The question before the House was simply this. There was a large number of schools in Ireland, conducted on principles with respect to which a considerable section of the community say they could not conscientiously avail themselves of the grant. They asked for a part of the grant, but it was refused them, unless they subscribed to conditions which were in opposition to their conscientious views. If it was thought right to give a grant of public money for educational purposes, why not give aid to those on whose behalf he appealed? It was said that Presbyterian schools, that Roman Catholic schools, that Protestant schools were to be established. Before the year 1831 there was an exclusive system in operation; that system had been enlarged; what they now asked was to enable those who thought scriptural education ought to be encouraged, to carry out that system which was in accordance with their conscientious views. Surely they did not mean to exclude those from the benefit of the grant, who thought the present system was a wrong one. Lord Stanley had written a letter on the subject of the scriptural extracts used in the schools; but although that letter was published in the annual reports, a certain passage in it advocating the necessity of scriptural education was omitted since the years 1836 and 1837. The extracts which had been made were objected to by some because they were considered favourable to the doctrines of the Roman Catholic Church, but yet they were put into the same category with the Bible itself. It was contended that because some of those extracts were read in certain schools which the Lord Lieutenant had visited, that, therefore, there was no exclusion of the Bible. He should conclude, by observing that the present system practically excluded the Protestants from participating in its benefits. All they wanted was common justice; and the House might be assured that they would not cease their efforts till they had obtained it.

Mr. REYNOLDS thought, when he read the notice of the hon. Member for the University of Dublin, that he intended to propose a modification of the system; but he found, at the tail-end of the notice, another feature, which he might construe thus—"If you don't modify the system, give us a separate grant, give us a pull at the Exchequer." The noble Lord the Member for Tyrone had attacked the entire system; and it appeared to him (Mr. Reynolds) that he ought to have delivered his speech when the grant was under consideration. He (Mr. Reynolds) thought it was a grievance to the people of England, Scotland, and Ireland, to vote a penny out of the Exchequer for education purposes in Ireland, because he thought that all the funds required for education purposes ought to be taken out of the funds of the Protestant Church. The hon. Baronet the Member for Fermanagh had spoken of the enlightenment of Ulster, and the ignorance of the people of Connaught; but he forget to tell the House that the province of Connaught had but five counties, and 1,400,000 inhabitants, while the province of Ulster had nine counties, and 2,000,000 inhabitants. That made a difference in the population of something about 1,000,000. He (Mr. Reynolds) begged to call attention to the last report of the Board of Education, from which it appeared that in Ulster there were 1,674 national schools, in Munster, with 155,000 pupils, 909; in Leinster 1017, and in Connaught 509. So that the province of Ulster had more schools under the control of the board than any other province in Ireland. But that was not Church education; and he had to congratulate the people of Ulster that they had the additional blessing of Church education, and they should be the most enlightened people in the world. The revenues of the Irish Church amounted to 600,000*l*. per annum. ["Divide, divide!"] He would be most happy to divide it with them. He would remind hon. Members that Ireland was a Catholic country, with a population of 7,000,000 of Catholics, and but 750,000 Protestants; and, to superintend the spiritual wants of these Protestants, there were two archbishops, ten bishops, and not less than 2,800 clergy. ["Question!"] He would give hon. Members notice that this was but the beginning of the discussion on this subject; and he hoped that in the beginning of July his hon. and gallant Friend the Member for Middlesex would be permitted to bring on his Motion for an inquiry into the appropriation of the property, and all matters connected with the pecuniary abuses, of the Protestant Church in Ireland. The National Board, as at present constituted, in Ireland, afforded education to upwards of 500,000 children, without religious distinction; and the children received in those schools a much better and more valuable education than was given in their large universities. It was now sought to go back from that system to the old Kildare-street proselytising and exclusive system. ["Divide, divide!"] The hon. Member then moved, in consequence, as he stated, of the continued interuptions, the adjournment of the debate.

Mr. DISRAELI said, that there was not a single sentence the hon. Member had uttered which had not been listened to with the greatest attention; and what more could he expect of the House?

Mr. REYNOLDS stated, that the interruption he had received was principally from the hon. Member the president of the Peace Society. The hon. Member then proceeded to state, that the Kildare system was one which was repudiated by every sensible person in Ireland, and that the system which at present existed in Ireland was one that ought to be placed in the very foremost rank in the cause of education. In conclusion, he trusted that the House would pay no attention whatever to the Motion before it, beyond that which was due to the personal character of the hon. Member who had introduced it to their notice.

Motion made, and Question proposed, "That the debate be now adjourned."

Motion, by leave, withdrawn.

Main Question put.

The House divided:—Ayes 102; Noes 162: Majority 60.

List of the Ayes.

Archdall, Capt. M.
Bankes, G.
Bateson, T.
Bentinck, Lord H.
Beresford, W.
Bernard, Visct.
Blair, S.
Blandford, Marq. of
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadwood, H.
Brooke, Lord
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Bunbury, W. M.
Buxton, Sir E. N.
Castlereagh, Visct.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Cole, hon. H. A.
Coles, H. B.
Conolly, T.
Davies, D. A. S.
Deedes, W.
Dick, Q.
Disraeli, B.
Dod, J. W.
Duncombe, hon. O.
Duncuft, J.
Dundas, G.
Edwards, H.
Farnham, E. B.
Farrer, J.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Fox, S. W. L.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gore, W. R. O.
Goring, C.
Granby, Marq. of
Greenall, G.
Grogan, E.
Gwyn, H.
Hamilton, J. H.
Heald, J.
Henley, J. W.
Herries, rt. hon. J. C
Hildyard, R. C.
Hill, Lord E.
Hodgson, W. N.
Hood, Sir A.
Hope, Sir J.
Hornby, J.
Hotham, Lord
Inglis, Sir R. H.
Jolliffe, Sir W. G.
Jones, Capt.
Ker, R.
Lacy, H. C.
Lascelles, hon. E.
Law, hon. C. E.
Long, W.
Mackenzie, W. F.
Manners, Lord C. S.
Maxwell, hon. J. P.
Miles, P. W. S.
Miles, W.
Moody, C. A.
Morgan, O.
Mullings, J. R.
Mundy, W.
Napier, J.
Neeld, J.
Newdegate, C. N.
O'Brien, Sir L.
Packe, C. W.
Palmer, R.
Plowden, W. H. C.
Plumptre, J. P.
Rufford, F.
Smollett, A.
Spooner, R.
Stafford, A.
Stuart, J.

Taylor, T. E.
Trevor, hon. G. R.
Turner, G. J.
Verner, Sir W.
Vesey, hon. T.
Vivian, J. E.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Williams, T. P.
Willoughby, Sir H.
Wodehouse, E.

TELLERS.

Hamilton, G. A.
Hamilton, Lord C.

List of the NOES.

Abdy, T. N.
Acland, Sir T. D.
Adair, R. A. S.
Adare, Visct.
Alcock, T.
Anson, hon. Col.
Baines, M. T.
Bass, M. T.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, R.
Birch, Sir T. B.
Bouverie, hon. E. P.
Brand, T.
Brocklehurst, J.
Brown, W.
Bunbury, E. H.
Cardwell, E.
Carter, J. B.
Caulfeild, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Clay, Sir W.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Colebrooke, Sir T. E.
Corbally, M. E.
Cowan, C.
Craig, W. G.
Crowder, R. B.
Curteis, H. M.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, E.
Denison, W. J.
Denison, J. E.
Drummond, H. H.
Duncan, G.
Dundas, Adm.
Dunne, Col.
Ebrington, Visct.
Ellis, J.
Fagan, W.
Fergus, J.
Fordyce, A. D.
Fortescue, C.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Goddard, A. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Grey, rt. hon. Sir G.
Grey, R. W.
Guest, Sir J.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcoat, J.
Herbert, H. A.
Herbert, rt. hon. S.
Heywood, J.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, Sir R.
Jermyn, Earl
Jervis, Sir J.
Keating, R.
Keppel, hon. G. T.
Kershaw, J.
Kildare, Marq. of
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lawless, hon. C.
Lewis, G. C.
Littleton, hon. E. R.
Lockhart, A. E.
M'Gregor, J.
Maitland, T.
Mangles, R. D.
Martin, C. W.
Martin, S.
Matheson, J.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Mitchell, T. A.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mure, Col.
Nicholl, rt. hon. J.
Nugent, Lord
Nugent, Sir P.
O'Brien, J.
O'Flaherty, A.
Ord, W.
Osborne, R.
Paget, Lord C.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Philips, Sir G. R.
Pigott, F.
Pilkington, J.
Pinney, W.
Power, Dr.
Price, Sir R.
Pryse, P.
Pugh, D.
Reynolds, J.
Ricardo, O.
Rice, E. R.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Rutherfurd, A.
Scully, F.
Shafto, R. D.
Sheil, rt. hon. R. L.
Smith, rt. hon. R. V.
Smith, M. T.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stuart, Lord D.
Sullivan, M.
Talbot, C. R. M.
Talfourd, Serj.
Tenison, E. K.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Townshend, Capt.
Villiers, hon. C.
Vivian, J. H.
Wall, C. B.
Watkins, Col. L.
Willcox, B. M.
Williams, J.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.
Young, Sir J.

TELLERS.

Tufnell, H.
Hill, Lord M.

MARRIAGES (SCOTLAND) BILL.

The House went into Committee on this Bill.

MR. FORBES said, he entertained strong objections to the measure, and having pledged himself to his constituents to oppose it, must protest against its being proceeded with at that hour of the morning (near two o'clock). He moved that the Chairman do report progress.

Motion made and Question put, "That the Chairman report progress, and ask leave to sit again."

The Committee divided:—Ayes 24; Noes 59: Majority 35.

List of the AYES.

Beresford, W.
Blair, S.
Christopher, R. A.
Cole, hon. H. A.
Duncan, G.
Duncuft, J.
Dundas, G.
Galway, Visct.
Grogan, E.
Gwyn, H.
Hastie, A.
Henley, J. W.
Herbert, H. A.
Hindley, C.
Keating, R.
Lockhart, W.
Newdegate, C. N.
Nugent, Sir P.
Pilkington, J.
Stafford, A.
Sullivan, M.
Thornely, T.
Walpole, S. H.
Willoughby, Sir H.

TELLERS.

Forbes, W.
Mackenzie, W. F.

List of the NOES.

Bellew, R. M.
Bouverie, hon. E. P.
Bruce, C. L. C.
Bunbury, E. H.
Carter, J. B.
Cavendish, hon. C. C.
Christy, S.
Clerk, rt. hon. Sir G.
Cowan, C.
Craig, W. G.
Davie, Sir H. R. F.
Devereux, J. T.
Drummond, H. H.
Dunne, Col.
Ebrington, Visct.
Fordyce, A. D.
Graham, rt. hon. Sir J.
Greene, J.
Grey, rt. hon. Sir G.
Hawes, B.
Hayter, rt. hon. W. G.
Herbert, rt. hon. S.
Heywood, J.
Hope, Sir J.
Howard, hon. C. W. G.
Jervis, Sir J.
Labouchere, rt. hon. H
Lascelles, hon. W. S.
Lewis, G. C.
Lockhart, A. E.

Maitland, T.
Maule, rt. hon. F.
Melgund, Visct.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Mure, Col.
Paget, Lord C.
Palmerston, Visct.
Pechell, Capt.
Pigott, F.
Power, Dr.
Pryse, P.
Reynolds, J.
Ricardo, O.
Rich, H.
Romilly, Sir J.
Rutherfurd, A.
Smollett, A.
Somerville, rt. hon. Sir W.
Spooner, R.
Stuart, Lord D.
Thompson, Col.
Westhead, J. P.
Willcox, B. M.
Williams, J.
Wilson, J.
Wood, rt. hon. Sir C.
Wyld, J.

TELLERS.

Tufnell, H.
Hill, Lord M.

On Clause 1,

Mr. DUNCAN moved the omission of certain words, but eventually the Motion was withdrawn.

The other clauses of the Bill were then agreed to, with certain verbal amendments, and the House resumed.

The House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, June 22, 1849.

Minutes.] Public Bills.—Assaults (Ireland).
Reported.—Incumbered Estates (Ireland).
3ª Sheep Stealers (Ireland); Passengers.

Petitions Presented. By Earl Nelson, from Stroud, Carmarthen, and Buckingham, in favour of the Establishment of a Superannuation Fund for Poor Law Officers.—By the Duke of Richmond, and the Earl of Malmesbury, from Lincoln and Nottingham, for Protection from unrestricted Foreign Competition.—By Lords Polwarth, Redesdale, and Colville, and the Bishop of Salisbury, from Selkirk, Lyme Regis, Huntingdon, Dorset, and other Places, against the Parliamentary Oaths Bill; also against the Registering Births, &c. (Scotland) Bill.—From Thurles, and Seaford, in favour of Sanitary Reform (Ireland).—From Holbeach, Castle Cary, and a Number of other Places, for the Suppression of Seduction and Prostitution.—From Bristol, Warwick, and Kineton, for an Alteration of the Criminal Law Consolidation Bill.

INCUMBERED ESTATES (IRELAND) BILL.

Lord CAMPBELL, in presenting the report from the Select Committee on this Bill, said, that it gave him great pleasure and satisfaction to be able to remove from their Lordships' and the public mind an impression which had been entertained that by the sending of the Bill to a Select Committee it was not likely to be passed this Session. He had only consented to its being referred to the Select Committee on the condition that the principle of the Bill should not be opposed, but only the Bill should be amended. That pledge was given, and he was happy to be enabled to say that it had been most strictly and honourably adhered to by noble Losds opposite. He was happy to be further enabled to say, that in his humble opinion the measure had been considerably improved by the Committee. There was, indeed, one amendment introduced into it, against which he had entered his protest, but which, as it had been affirmed by a large majority of the Committee, he should not attempt further to obstruct. It was one by which the power of the commissioners was limited with regard to the sale of incumbered estates on the application of the incumbrancer, as the sale could be prevented on the application of the owner himself, unless at least one half of the entire interest in the estate was involved, or swallowed up by incumbrances; if, however they affected more than one half of the interest, then the judgment of the commissioners was final, and the estate could be sold. With regard to all the other amendments, he entirely approved of them. The commissioners were to be made a court of record, and it was expressly enacted that they should hear counsel upon application of the parties. It was always intended that they should hear counsel, if they wished; but now it was made obligatory. As the Bill stood before, it was doubtful whether on the application of an incumbrancer, the commissioners were not bound to sell an estate. It was now provided that it should be left to the discretion of the commissioners to say whether such was a fit case to bring under the operation of the Act of Parliament. That would prevent all pettifogging and annoying attempts to involve parties. There was another very important clause, by which lands that were held jointly by several persons might be sold by the commissioners. As the Bill before stood, there was a power given to the commissioners which he feared would be too stringent, and not very respectful to the Court of Chancery. It was, that where there was a manifest error in a decree of the Court of Chancery, the commissioners might at once set it right. It was now provided that where the commissioners should find a clerical mistake, or other such palpable and manifest error, they should refer the matter back to the Court of Chancery for correction. Another amendment referred to "Ushers' Poundage," which was not to be charged upon moneys lodged in the Court of Chancery under the operation of this Act. But he thought it a matter of trivial importance, because there was a power of paying the money into the Court of Exchequer, where there was no such charge. Respecting the Judicial Committee, to which appeal was given, as the Bill formerly stood, the Lord Lieutenant of Ireland was the person to whom the appeal should be made. But as it was considered too great a power to be vested in a single individual, it was now proposed that the Judicial Committee in Ireland should be formed of the Lord Chancellor of Ireland, the Master of the Rolls, and the chiefs of the supreme courts of Dublin, together with any parties whom Her Majesty might be pleased to appoint. Another point had likewise been attended to. It often happened that in Ireland great inconvenience arose from the land being occupied by many persons jointly, and it was extremely difficult to adjust the proportions so as to enable any one to sell his portion. It was now proposed that the commissioners in Ireland should have the power in all cases of partitioning and exchanging land. These amendments would be, he hoped, found to be great improvements in the Bill, which he should propose to be recommitted on Monday next.

Lord STANLEY was glad to hear the noble Lord say that the Committee had improved the Bill, and that the pledge given by the noble Lords who were opposed to it had been so honourably kept. He was happy to be able, on the part of those noble Lords, to say, on the other hand, that the Government had shown every desire to meet the objections of those Members of the Committee who were opposed to the measure, but who certainly did not intend to injure it. There was one very important improvement in the Bill, to which he was anxious to direct attention. There was a similar power already existing in England, although it was very little known. He meant the power contemplated to be given to the commissioners, which had been briefly adverted to by the noble and learned Lord, whereby they would be enabled, by an inexpensive process, to effect an exchange of the properties of different individuals, without undergoing the large expenditure required by the ordinary forms of law. A similar power had existed in England for many years, but he had reason to believe that its existence was very little known. It was vested in the Enclosure Commissioners of England. It was now proposed to give precisely the same power to the commissioners under this Act, so that by a summary process, and at little or no expense, an interchange of property between any two parties could be effected. But he should say that he was not sanguine as to the effects of the Bill in general. He did not think that purchasers could be obtained for estates in Ireland merely by clearing titles. At present purchasers could not be had for estates, in the title of which there was not the slightest flaw. And he did not think that purchasers would be found at present for estates in Ireland to which the clearest possible titles could be given. He thought, however, that much good might be done by those portions of the Bill that would enable owners of property to manage their estates more easily.

The Marquess of LANSDOWNE agreed with the noble Lord as to the very great importance of the clause to which he had referred. It was his intention to have introduced a separate Bill, assimilating the law in Ireland to that of England with regard to the easy and inexpensive mode of effecting partitions and exchanges of property, the want of which prevented the improvement of whole districts; but the opportunity afforded by this Bill had prevented the necessity of separate legislation.

The Duke of RICHMOND said, it was very important that it should be known that an owner of an estate in England valued at 20,000*l.*, could exchange, not for money, but land for land with another landowner, at an expense not exceeding 5*l.*

Lord MONTEAGLE said, that there was one description of property in Ireland, the mountain land, which had been hitherto considered so valueless, that it had not been properly partitioned in many instances. The want of this partitioning was one great check to improvement, and the difficulty would be obviated by the present Bill.

The Earl of GLENGALL said, that those mountains afforded shelter to the persons who committed the outrages and depredations of which so much complaint was being constantly made in Ireland; and great benefit would be derived from the partitioning of the property, so as to enable the owners to get rid of those people. But there was one matter to which he begged leave to direct the attention of Her Majesty's Government. The stamp duties in Ireland were so heavy, that in one instance of an estate in the west of Ireland, that was now offered for sale, the stamp upon the deeds for effecting the transfer would amount to no less than 6,000*l.* He would, therefore, suggest that some relaxation of the stamp duties should take place in the case of estates sold under the Act.

LORD CAMPBELL said, he would recommend the suggestion of the noble Lord to the Chancellor of the Exchequer, who was at that moment opening his budget in the other House.

The EARL of WICKLOW said, there was one important alteration effected in the Bill, to which he should object upon the recommittal.

LORD BROUGHAM thought the measure had been improved by the Select Committee, but he was still adverse to it altogether, although he should not give it any pertinacious opposition. He disliked it, and he had no hope of its success. It was admitted by its friends to be an arbitrary measure, and that it was only defensible on the ground of necessity. But he said that no necessity existed that could justify so extravagant a measure. It enabled any man who had a bad title, a title not worth a straw, to clear it. It enabled a man who had a property with a title under which he could not sell for a single pound sterling, a man who was conscious of a flaw, an incurable flaw, to blear it, and give a parliamentary title to a new purchaser. He would give an example: A man dies, leaving his estate to be divided equally, half to his eldest son and half to his second son, or to an utter stranger; or he leaves the whole estate to a stranger. The will falls into the hands of the eldest son, who was apparently injured, and deprived of his natural rights. He need not destroy the will; he need merely keep possession of it, and say nothing about it. He would not be bound by law to give it up to the devisee, and no executor would be bound to prove it. Apparently the estate belongs to the eldest son, but really it is the property of another. But under this Bill, the eldest son would only have to mortgage the estate, or to take advantage of a mortgage already effected upon it, and get the whole estate sold by the commissioners to a stranger, who would take from them a clear parliamentary title to it—a title which would stand good against the real owner if the will were discovered the day after the sale, and the real owner would have no redress whatever. And this was merely one instance of the manner in which the Act could be taken advantage of. There were many other sorts of flaws to which it would be equally applicable. Any man who had a flaw in his title would take care now to fence himself securely. He (Lord Brougham) wished likewise to know why a *pari passu* right was not given to all incumbrancers? He feared they would do great injustice, without finding that which they wanted—buyers for Irish estates. What good could the Bill do if incumbered estates could not now find purchasers?

A NOBLE LORD: If the estates cannot be sold, there is no harm done.

LORD BROUGHAM said, that that was the great mistake which people fell into from reading absurd, false, and trumpery articles which were published upon the subject. Was there not most grievous harm done by the establishment of such a principle as this Bill involved? He thought it would do great harm, and be productive of little good?

Bill reported from the Select Committee, with amendments; and committed to a Committee of the whole House.

TENANTS AT RACK RENT RELIEF BILL.

The EARL of HARROWBY moved the Second Reading of this Bill, which, he stated, had already received the sanction of a large majority of the other House of Parliament.

LORD PORTMAN was opposed to the Bill, as he thought it would impose a very large additional burden on the landlords, without materially relieving the tenants. He was of opinion that the cost of both prisons and lunatic asylums should be defrayed out of the Consolidated Fund. He begged to move as an Amendment that the Bill be read a second time that day six months.

After a few words from LORD WHARNCLIFFE, which were inaudible,

LORD REDESDALE objected to the Bill, because he thought the lunatic asylums should not be separated from the other local institutions of the country.

The EARL of HARROWBY expressed his regret at the opposition which the Bill had met with, and said he could, of course, have no hope of carrying it against the opinions of the landlord class in that House.

On Question that "now" stand part of the Motion: Resolved in the *negative;* and Bill to be read 2^a on this day six months.

AFFIRMATION BILL.

Order of the Day for the Second Reading, read.

LORD DENMAN moved the second reading of the Bill. He said that the measure, though one of no great extent, was one of very great importance to a class of persons of the highest respectability, who felt a deep interest in the success of his present Motion; important also to the public administration of justice in those cases to which it would apply. The Bill had passed through the House of Commons, and had excited some interest; and yet he would venture to say that no Bill had ever been introduced into their Lordships' House with respect to which so great misconception seemed to prevail. It appeared from all he had heard of the opinions of noble Lords who were opposed to this measure, that they really had not the slightest notion of the nature of the evil proposed to be remedied, or of the remedy which the Bill proposed to apply, or of the means by which it was to be applied, and therefore it was necessary for him to state its real nature. The Bill was introduced to relieve a class of persons who had religious scruples to taking an oath. Some time ago a Bill had been introduced by him on this subject, which Bill had been referred to a Select Committee, who received some evidence which they reported to the House; but he wished to state at the outset that he did not mean to found this measure on anything that had appeared. The fact was, that two or three gentlemen had been examined before the Committee, and had stated their views and the nature of their scruples, surrounded by some ten or twelve noble Lords, whose opinions were adverse to theirs, and who maintained their opinions with great ingenuity, while they cross-examined the witnesses with the acuteness to be expected. He believed it might be true that those witnesses did not defend their views with success against so powerful an attack; but, in his mind, the correctness of the opinion was wholly out of the question. The only fact necessary as the foundation of his argument was, that the opinion was *bonâ fide* and not absurdly entertained. That it was so entertained, was sufficiently proved by the fact, that those gentlemen were eager petitioners in favour of the present Bill. If he really could believe that noble Lords had come down with the intention of calmly considering this measure, and hearing the arguments urged upon it, the very full assemblage which he saw around him would fill him with as much satisfaction as it now filled him, he would admit, with dismay—for he could not but believe, from all he had heard, that many noble Lords had come down under the impression that the Bill was anything rather than what it was. He knew it had been said that he was about to propose a sweeping measure for the abolition of all oaths whatever. Surely, it could be scarcely necessary for him in the position he occupied, to deny that assertion. So far from its being true, he believed he could show their Lordships that the Bill had not the slightest tendency to produce such an effect, and probably not one oath the less would be taken under it, than if it were not to pass at all. The persons to whom it referred were those who appeared now and then in courts of justice to give evidence on important subjects. They, on being called upon to swear, said, "On my conscience, I believe that the book on which you ask me to swear prohibits me from taking an oath; and that I cannot therefore take it without sin." Surely that scruple deserved to be respected. Surely there was nothing on the face of it to excite suspicion as to the motives or the understanding of the man who used it. It was on behalf of the gentlemen who entertained these scruples that he appeared, and he hoped the House would allow them to be bound as witnesses, not by an oath, but by an affirmation, and not drive them to the alternative of taking an oath which they believed to be sinful, or going to gaol as criminals. He held in his hand letters excellently written, from many respectable persons who had been actually sent to gaol from this conscientious scruple to take an oath, to be the companions of felons, while the felons against whom they had been willing to give evidence were allowed to go at large. For this supposed crime, Mr. Arnold had been in prison for a month; Mrs. Watson, who had been brought up as a witness at the Devonshire assizes, had also been sent to prison, though only for a short time. The case of Mrs. Ashley, before Baron Alderson, could not be forgotten by their Lordships: she had declined to be sworn, and the Judge had persuaded the parties to refer the cause to arbitration, where her evidence could be taken without an oath. The parties, at least that one to be affected by her testimony, might have prevented this end of the case, and the learned Judge would then have probably felt himself bound to sentence her to imprisonment for a contempt of court. But her exemption was purchased on terms not a little severe, for she consented to pay all the costs occasioned by the reference, amounting to more than 100*l.*, equal to a whole year's income of that lady. It would hardly be contended that the scruple which had induced witnesses to submit to such consequences, was not honestly and sincerely entertained: to him (Lord Denman), it appeared as difficult to defend the policy of the exclusion, as to vindicate the justice of punishing a willing witness, merely because we thought proper to exclude him. In former times, when no difference as to religious belief prevailed, the necessity for such a Bill could not arise. But since some variety of religious opinion has been tolerated, the law cannot shut its eyes to the fact of its existence: an opinion of the unlawfulness of oaths had been early founded on the express words of holy writ. It had been expressed before the Reformation, for one of the Thirty-nine Articles of our Church took notice of that opinion, and with reference to it directly affirmed the lawfulness of taking oaths before magistrates. In later times the whole body of the Quakers thought that oaths were unlawful, and the Legislature at first thought fit to visit this heresy with heavy penalties. A Quaker who refused an oath, might be transported for fourteen years. He might also be ruined by fines for contempt of court, larger than the whole amount of his fortune. The Quakers, nevertheless, persisted, and gained their point. The experiment of coercion failed; that of concession has completely succeeded In the reign of William III., they were admitted to give evidence on affirmation; and the previous law which compelled them to take an oath, which they thought an insult to the Deity, was then justly deemed a cruel profanation. Dean Swift, and others, ridiculed the Quakers' affirmation; but still it had been legalised by law, first from year to year, but afterwards permanently for nearly 200 years. The Moravians, too, had claimed to be exempted, and were exempted by special Act of Parliament; indeed, whenever objections had been specially taken, and particular cases had occurred, they were brought before Parliament, and, bit by bit, the rigid severity of the law on this matter had been relaxed, until what now remained appeared to some to be retained merely as an insult to their conscientious scruples, and the means of subjecting them to persecution. He begged their Lordships to understand that no man was more unwilling to interfere with the existing state of things, as regarded the administration of justice, than the individual who had the honour of addressing them. But his attention was first called to the question by the outrageous acquittal of a highway robber in Ireland, because a Presbyterian witness refused to swear as we did in England, by kissing the book; and the Judges fancied they had no power to take his evidence. Another case was, that a Quaker being put into the witness-box refused to take the oath when it was administered to him in the ordinary way. They said to him, "You have ceased to be a Quaker." "Yes," he said, "but I still hold the opinions entertained by the Quakers on that subject." His evidence could not then be taken, and the felon was acquitted, and the witness liable to punishment; but a Bill was brought in applicable to the case he had mentioned, and the noble Duke, seeing at once the position of the parties for whom it was proposed to legislate, gave it his approval. A similar indulgence was granted to the Separatists—a sect of which no one could give a particular account. The next case which occurred was that of Mr. Murphy, a Roman Catholic, who continued for a length of time, at least a year, in prison. He was a bankrupt; and not choosing to swear to his balance-sheet, on account of conscientious scruples to taking an oath, he was sent to prison in consequence. He was a respectable man; his balance-sheet was a faithful document, and his creditors were anxious that the bankrupt should be allowed to pass; but the law interfered and said, "No, you refuse to swear to the balance-sheet—you must remain in prison." A Bill, therefore, was brought in and passed, and that provision in the bankrupt law was abolished, although, if oaths were ever to be efficacious, that was a case in which they were peculiarly so. Liable as such indulgence was to abuse, it was not suggested that a single case of abuse had occurred, or that a single witness had falsely claimed the exemption. Whenever he had been of late years applied to on this subject, he had invariably answered that they must wait until the next case occurred—a case probably defeating the ends of justice—and then seize the opportunity as favourable towards inducing Parliament to take another step in the amelioration of the law. For he begged their Lordships only to suppose such a case of murder as that which lately engaged so much of the public attention, and to suppose that the principal witness had refused on these scruples to depose upon oath what she knew the consequence would have been, the acquittal of the accused, against the strong assurance on the public mind of his guilt. Was not the present state of the law such as was likely to defeat justice — with no other advantage than the pleasure of sending to gaol a respectable person, merely for differing from ourselves on the construction of a doubtful passage in Scripture? He was aware that the impression upon some was, that the Bill now before the House either was directly and entirely to abolish oaths, or that at least it would have the tendency ultimately to produce that result. It was difficult to assign a motive for asserting that scruple where it was not really felt. There was a natural unwillingness to announce that we entertain an opinion which the great majority of our fellow-subjects hold to be crotchety and wrong. And as to the suspicion that the scruple would be affected to avoid the penalties of perjury, he would remark, that the only penalties which could be supposed to affect such a person were preserved by the Bill. He was aware that there was in this country, as in others, a market for witnesses; but that market was already so well supplied, that it was not likely that nonjurors would be resorted to for the purpose. He must remark that, in this matter, he spoke entirely for others, and in no degree for himself; by no means sharing the scruple that he respected. It was reasonable that, on an important occasion, a witness should be reminded of the presence of the Almighty, and that he would invoke the Divine vengeance on his head if he uttered a falsehood; but that could be done without an oath. It was scarcely a compliment to religion to suppose that a man who would willingly injure his neighbour's property or life by a false statement, would be deterred from doing so by the influence of an oath. He had endeavoured to find out some argument against this Bill, and had been told that a Jew attorney had desired his counsel to insist upon the adverse witness being compelled to kiss a particular part of the Bible, as he did not consider himself bound to speak the truth if he kissed any other; but such evasions proved nothing but the want of principle and the inability of any human device to enforce integrity: if there was an utter disregard to the sacredness of truth, it would be easy to evade all such contrivances. He had trespassed too long, and had stated a strong case very imperfectly; but he thought he had given sufficient reasons for entertaining this measure, not originating with himself, but sent up from the House of Commons.

LORD BROUGHAM said, in differing from the opinion which had been expressed by the noble and learned Lord, and in stating the grounds on which his opinion rested, he did so with great deference to the ability and eminence of his noble Friend, first as a barrister and next as a judge. Yet while he felt a disposition to agree with him, and a repugnance to oppose him, he nevertheless should not be dealing fairly with this important subject if he did not state his opinion respecting—not the introduction of the power of affirmation, for as to the former recognition of the principle he could have no doubt, but respecting the greater extension of it, as to which he confessed he entertained great doubt. He considered the principle involved in this Bill to be an evasion of all law, both in this country and elsewhere; for if a lawgiver was to listen to all the objections of private individuals, however much respected they might be, and however loth to violate their tenderness, there would be no end of evasion of the law of the country. A man would say, "I cannot take an oath; I think it contrary to my duty to God." That was a scruple of conscience, and no argument could deal with it; but another man objected because it was forbidden by Heaven. No, said the noble and learned Lord, it was not forbidden, for the commandment only forbade the taking of his name in vain; but no one had ever thought that for judicial purposes it was taking his name in vain. Go, he would say, to all the text writers, and all who had commented on the subject, and he would find them nearly all come to the same conclusion. But, said the man, "Oh, that is nothing to me; it is against my conscience." Another man would come in and say it was against his conscience to pay his debts, because by doing so he would rob his children, who must either starve or go to a workhouse; it was forbidden that he should neglect his family. Another man would say he would not give evidence upon oath or affirmation, because it injured his neighbour, whom he was commanded to love, for he could not love God unless he also loved his neighbour. It was a matter of feeling between the man and his Maker, and therefore a matter upon which no argument could be brought to bear. He remembered a witness examined in the Select Committee on this point; and in this man's opinion all oaths were forbidden. One part of the oath was, "as I shall answer to God." "What," said the witness, "was the meaning of that—'*as* I shall answer?'" "Why," said a noble and learned Lord, "you have it in a different passage—'forgive us our trespasses, as we forgive them that trespass against us.'" "Oh, but," said the man, "that is not the meaning of it;" and he would proceed with a long argument to maintain his point. Such were the arguments adduced in favour of tender consciences. Would they be better, however, with an affirmation? Why, many would refuse to take an affirmation because the name of God was in it. To members of the Church of England, however, who subscribed to the Thirty-nine Articles, it was said it was the duty of a man to take an oath for the purposes of justice.

LORD MONTEAGLE: The words are, "it is lawful for a man," &c.

LORD BROUGHAM: Yes, and the law said that it was the duty of men to take these oaths for the due administration of justice. His learned and noble Friend, when he said people ought to attend to the sacred obligation of truth, did not say enough; for while he admitted they ought to attend to that more than the kissing of the book, he knew, and it was undeniable, that there were persons who would tell an untruth without scruple, and who would yet refuse to swear to it. That was his experience in the profession. He believed that our Irish fellow-subjects had greater scruple as to an oath in proportion to an untruth than his English brethren. So much he had spoken as to the principle of the Bill; but of the Bill itself, he must say he was certain it was drawn by no lawyer. Did their Lordships ever see &c. in an Act of Parliament, in the body of the Bill? But there it was actually in the oath—"And I also, in the same solemn manner, declare and affirm, &c."—"In the same solemn manner!" Why, he here swore by reference: did their Lordships ever hear of such a thing? He was sure, if his noble and learned Friend had met with such an instance when he was at the bar, he would have made it the ground of a demurrer. He believed it was quite unprecedented in Acts of Parliament to see an &c. in the body of the Act itself. Now, when it was said that it was mere superstition which led those who did not care about an untruth to say they would not take an oath, he must remind them that the same thing held good of an affirmation. He said they had allowed Quakers to make affirmation, and his own experience led him to vouch for the high respectability of that body; but he observed, and it was the experience of the profession, that Quakers had been found not to give so satisfactory evidence as persons on oath. He had seen a man staggered when it was put to him, after some careless assertion, "Upon your oath will you say so—upon your oath?" But in the case of those allowed to make affirmation, such a form of examination was never used. "Upon your affirmation will you say so?" did not have the same effect, and was never said in pressing a witness. Now, that they had exempted Moravians, Quakers, and Separatists, it was argued that they ought to extend the indulgence; but he contended that there was a great difference between a man who declined merely to take an oath, and the man who was bound to declare as well that he belonged to one of these sects. If this Bill passed, however, nothing more was necessary than that a man should take the trouble of going to the office and of paying 2*s.* 6*d.* for the certificate, in order to save himself from the consequences of taking an oath ever after. He could not concur in the second reading of a Bill which tended practically to take away one at least of our securities against false testimony.

LORD CAMPBELL said, if he felt that the Legislature had gone too far in the alteration of the law on this subject, he should be the first to oppose any further progress; but thinking, as he did, that the Legislature had acted justly and wisely, he thought upon the same principle they ought to go a little further. This Bill hardly went a single line beyond the limit at which the law at present had stopped, for the law now allowed a man, though no longer a Quaker, to refuse an oath on religious scruples. This Bill, so far from abolishing oaths, seemed to him calculated to remove the odium which at present attached to oaths altogether. For let a man be sent to prison because he conscientiously refused to take an oath in the witness-box, and the effect would be a universal desire to abolish oaths altogether. There were many good Christians, respectable in all their conduct, and truthful in their statements, who yet scrupled to swear in a court of justice, because the command of our Lord, "Swear not at all," seemed to forbid them. He could see nothing absurd in a good Christian asserting he thought those words forbade all Christians swearing. His noble and learned Friend had mentioned many cases; and he also knew, among others, of a most excellent man, a police magistrate, and a barrister, who yet had scruples, not as to the taking of oaths, but as to the administering of oaths. If, then, there were individuals who had such scruples, was it not desirable that they should be relieved from the difficulties in which the present state of the law placed them? For was it not monstrous to say that persons who had such scruples, and who refused to give their evidence upon oath, should be treated as criminals, and sent to gaol, to associate with burglars and murderers? But there was more than the interest of individuals involved in this case; there was the interest of the public. Suppose a frightful outrage to have been committed; was it not material that the criminal should not escape from justice by any of the witnesses preferring to suffer imprisonment rather than violate their consciences by taking an oath? So that, both for the sake of individuals and the public, it was desirable that the privilege in question should be granted, and he was astonished how any one could resist it. The noble and learned Lord opposite had indeed regretted that indulgence had been given to any sect.

Lord BROUGHAM: I never said any such thing. My remarks applied only to Separatists.

Lord CAMPBELL: The noble and learned Lord likened Quakers, and others who had religious scruples against taking an oath, to persons who objected to paying their lawful debts. He put all those classes in the same category. Now, no man could possibly have religious objections to paying his debts, or doing anything that religion or morality obviously required him, though a man might reasonably enough entertain scruples against swearing, when he found himself enjoined, as he believed, to "swear not at all." His noble and learned Friend had mentioned the case of persons connected with the Church of England, and said that as the taking of oaths was sanctioned by the Thirty-nine Articles, such persons could not well object to take them. He (Lord Campbell), however, could easily imagine persons who were recognised as zealous and sincere sons of that venerable Church, entertaining the belief that it was contrary to religion to take an oath; because, although it was quite true that one of the Thirty-nine Articles did sanction the taking of an oath, yet it was well known that the Articles were subscribed by many members of the Church for the sake of peace, and that they were not expected to hold them all with equal rigidness. He would appeal to their Lordships whether any inconvenience had been found to arise from the indulgence which had already been extended to various bodies? His noble and learned Friend opposite had said that, in his experience, evidence given under an affirmation was not so much to be depended on as evidence given under an oath; but although his (Lord Campbell's) experience in courts of justice was not very extensive, he must say that, as far as his experience went, the evidence of Quakers in general was most downright and sincere. Believing, therefore, that this was a safe and salutary measure, and that it would be at once a great relief to a number of conscientious individuals, as well as a security to the public against the failure of convictions, he trusted their Lordships would give it their sanction.

The Duke of ARGYLL said, that having some weeks ago had the honour to present to the House a considerable number of petitions from large and influential congregations in Scotland, praying their Lordships to assent to this measure; and, though he felt he could add little or nothing to the arguments of the noble and learned Lord who had so powerfully recommended the measure to the adoption of the House, yet, being sincerely desirous to see the measure sanctioned by their Lordships, he could not permit the occasion to pass without explaining in a few words the grounds upon which his vote would be founded. To take the highest and broadest and firmest ground at once, he begged to say that he supported the measure upon the ground that it was needed to give effect to the rights of individual conscience; for, until that great principle was conceded to the greatest possible extent, he held that the Government could not be said to have paid due respect to the rights of the individuals over whom it ruled. He said "the greatest possible extent," not as intimating that he knew of any limits to the application of the principle, but merely as indicating that he was not unmindful of the fact that there might, for aught he knew, be some great practical difficulties in the way of its complete and effectual application. He admitted that there was a large and important class of subjects in which it was impossible for a moment to admit the relevancy of religious objections. It was impossible, he held, to allow political opposition to assume the form of religious scruple, because, if they did so, the authority of society would be at once overthrown, and there would be no limit to the extent to which it might be carried against the laws of society. There might, for example, be many Dissenters who refused to pay church-rates upon the property which was legally liable for them, upon the ground that they conscientiously objected to the use to which the State applied that tax; but if the Legislature was to allow individuals to object to the payment of public taxes because they objected to the use to which the State might afterwards apply them, the authority of society would of course be at an end. He admitted, therefore, that there was a large class of subjects in which it was impossible to admit the validity of religious scruples; but he thought that there was no great practical difficulty in drawing the line between the cases in which the principle he was advocating did apply, and the cases in which it did not. All Dissenters would, doubtless, conscientiously object to spread and support opinions in which they themselves did not agree, and they would consequently all object to pay church-rates voluntarily; but if they all refused to pay them on the ground of conscience, the result must be that the gaols of the country would be filled with Dissenters; but the great body of Dissenters did pay church-rates, because they knew that society had a right to exact taxes for any purposes it liked, and that if they wished to overthrow the ecclesiastical institutions of the country they must proceed in a regular and constitutional way, and not by resisting the law on the ground of religious scruples. There was another class of cases in which the principle he was contending for could not apply, and that was the cases of individuals whose minds had become perverted and fanatical, and who might have taken up religious scruples upon points on which it was impossible to recognise them. But such cases were exceedingly rare, and it was obvious that amongst neither of the classes he had referred to could they justly place the individuals whom it was sought to relieve on the present occasion. It was not competent for their Lordships now to argue that this was a subject to which religious scruples did not properly apply, because the Legislature had already allowed that they did apply by altering the law in favour of persons holding such scruples, and by allowing them to give their evidence on affirmation instead of oath. Their Lordships were, therefore, thoroughly and effectually debarred from using that argument. They knew that several sects had already been admitted to the privilege of giving their evidence upon affirmation, and the only question now was, were they not to give to individuals the privilege which had already been extended to certain sects? He was willing to admit that in the great majority of cases, where a change in the existing law was proposed, the *onus probandi* lay upon the advocates of the change; but in this case he held that the *onus probandi* lay upon those who resisted the change, because the principle of the existing law was to recognise religious scruples, and the exception was to refuse to recognise them. Those who refused to recognise them, therefore, were bound to give a valid and tangible reason why they should not extend to individuals the same rights which they had already extended to sects. He confessed it appeared to him that the present state of the law was offensive and objectionable, as regarded the great principle of the rights of individual conscience, in a peculiar and especial degree. If men went like flocks of sheep in the matter of opinion—if they entertained scruples in consequence of or in obedience to the hereditary prejudices of the sect to which they belonged—if they entertained opinions because others had entertained them before them, or because others so believed around them—the law admitted their scruples; but when the same scruples were entertained by individual men, as the result of independent inquiry and independent conviction, the law refused to allow them, and persecuted those who entertained them. [The Marquess of SALISBURY: No!] He maintained that the treatment of such persons amounted to persecution. He must say, therefore, that nothing could be more extravagant and absurd than the existing state of the law. It admitted Quakers, Moravians, and Separatists—a sect which he believed no noble Lord was able to define; and, what was very remarkable, no person availing himself of the existing law was bound to prove that he was either a Quaker, Moravian, or Separatist. No proof whatever was required that he was acknowledged by the body to which he professed to belong. Could anything, therefore, be more absurd as a security against perjury? But the absurdity did not end there. Not only was no proof required that a person was what he professed to be, but there was this additional gross absurdity, that the evidence of an individual who had belonged to one of those bodies, but who had been expelled from it for his misconduct, would be received; and the evidence of an honest conscientious man, who was convinced that he was under the command to "swear not at all," would be rejected. He believed there was no great pressure upon their Lordships to adopt this measure. Now he had often heard it said (although never without remonstrance and dispute) that their Lordships were never disposed to forward any measure of change or reform unless they were pressed upon by powerful parties or by great majorities of the other House of Parliament. He did not believe this. He was extremely and sincerely anxious that this measure should receive the sanction of Parliament, because he believed it to be not only founded on justice, but to be demanded by justice and the rights of conscience; and he trusted, therefore, that their Lordships would on this occasion add another instance to the many in which they had heretofore shown that they could both honour and respect those rights, and interfere for their protection.

Lord ABINGER said, that the admission of the principle contained in this Bill, would materially impair the administration of justice in this country. It might be said that because the Legislature had admitted certain persons to certain indulgences, that the same ought to be extended to everybody. He believed otherwise, and thought that they were placed in some difficulty by having once committed a great error. In once acting on this principle, the Legislature had committed a great mistake; and he considered that the administration of justice depended on the practical observation of truth in this country, as well as on that sense of honour and chivalrous feeling which every gentleman possessed, and would not be assisted by such a measure as this. He would therefore give the Bill his opposition.

The Earl of WICKLOW said, that he was desirous of making up a deficiency caused by the noble Lord who followed the noble and learned Lord who proposed the second reading of this Bill, and who, though he opposed it, did not make any amendment. Now he (the Earl of Wicklow) begged leave to move as an Amendment that the Bill be read a second time that day three months. He considered that this was a violent change, which was not rendered necessary. He did not deny that the measures which had been already passed for Quakers and other sects were just; but he would oppose this Bill, as the noble and learned Lord did not adduce sufficient reasons for passing it. This Bill included every person, and, if carried, would enable every body in the country to evade oaths, and would actually tend to create those sentiments which it was the avowed object of the Bill to destroy. It was stated that if this Bill passed, not an oath less would take place.

Lord CAMPBELL: Because those who refuse to take oaths are sent to gaol.

The Earl of WICKLOW said, that though there would not be an instance of a person going to gaol for refusing to take an oath, yet if this measure passed, hundreds and thousands of individuals, who at present never objected to take an oath, would be induced to do so, and that great inconvenience would arise in consequence in the administration of justice. This Bill would point out obstacles to the execution of the law which did not now exist. The noble Lord then produced the evidence of John Clarke, a clerk at the Old Bailey, to show that during his experience many persons had refused to be sworn, on account of their religious scruples, but that these scruples vanished when they were spoken to by the judge; and that great inconvenience would arise from such a measure as this, because many persons would not hesitate to make an affirmation who would object to take an oath. The question was, would their Lordships alter the law of the land, and run the danger of giving people the opportunity of evading oaths, for the very few trifling cases that were brought forward by the noble and learned Lord? He feared that the noble and learned Lord had founded his opinion on his own experience merely, and had not calculated on the evils which would arise from this Bill in the inferior courts. The noble Earl concluded by moving that the Bill be read a second time that day three months.

Lord DENMAN briefly replied, saying that he had no new arguments to produce, and expressing his regret that the noble Earl, by adopting a course which his noble and learned Friend (Lord Brougham) did not pursue, obliged him to remind the

House of those which had been already advanced in favour of the measure. The noble and learned Lord then shortly recapitulated the chief reasons for the Bill, stating that nothing which had fallen from its opponents had shaken his convictions of the propriety of the measure. In one year 90,000 persons (members of different churches) had petitioned in favour of the principle. It might be quite true that the persons to be relieved were few in number; but he appealed to their Lordships the more on that very account to vindicate the principles of truth and justice. When noble Lords expressed their fears that mischief would ensue in the courts of justice from the passing of this measure, he could tell them, from his own experience in those courts, that there was not the slightest ground for apprehension. When addressing their Lordships before, he omitted to mention that on a former occasion when this subject was debated elsewhere, twenty-one Members of the profession of the law took part in the discussion, and of these eighteen voted for the Bill, and only three against it; and those eighteen included persons in Westminster Hall who were best acquainted with the working of the administration of justice. The Judges were not the proper authorities to decide this question. It was a subject for legislation.

On Question, that "now" stand part of the Motion,

House divided:—Contents 34; Non-Contents 10: Majority 24.

List of the NON-CONTENTS.

BISHOPS.
London
Chichester
EARLS.
Carlisle
Minto
St. Germans

LORDS.
Campbell
Denman
LORDS.
Kingston
Saye and Sele
Wrottesley

Resolved in the *negative;* and Bill to be read 2^a on this day three months.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 22, 1849.

MINUTES.] PUBLIC BILLS.—*Reported.*—Transportation for Treason (Ireland); Mutiny and Desertion (India).

3^o Ecclesiastical Jurisdiction.

PETITIONS PRESENTED. By Mr. Page Wood, from Westminster, for the Sunday Trading (Metropolis) Bill.—By Mr. Hobhouse, from Lincoln, for the Repeal of the Duty on Attorneys' Certificates.—By Mr. Walpole, from Epsom, for Agricultural Relief.—By Mr. Masterman, from Islington, for Encouragement to Schools in Connexion with the Church Education Society for Ireland.—By Mr. Glyn, from the Kendal Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Broadley, from several Places in Yorkshire, for the Suppression of Promiscuous Intercourse.—By Mr. Alexander Matheson, from Inverness, against the Public Health (Scotland) Bill.—By Mr. Alexander Smollett, from Dumbarton, for an Alteration of the Registering Births, &c. (Scotland) Bill.—From a Public Meeting of the Inhabitants of the Metropolis, held in John Street, Marylebone, for the Recognition of the Roman, Hungarian, and Rhenish Republics.—By Mr. Plumptre, from Canterbury, for an Alteration of the Sale of Beer Act.—By Mr. Mitchell, from Dolgelly, for an Alteration of the Small Debts Act.

POOR LAWS—WORKHOUSE DRESS.

MR. PLUMPTRE wished to ask the President of the Poor Law Board whether it was thought that any practical evil would arise from allowing persons entering a workhouse to wear their own dress? It was felt at present as a great hardship that persons should be required to assume the workhouse dress. Was it intended by the existing regulation to imply that an idea of degradation was attached to the fact that a person was obliged to enter the workhouse?

MR. BAINES begged to state, that from the very commencement of the amended poor-law, in 1834, it had been a rule that the workhouse dress should be adopted by persons entering the workhouse; and before that time the practice was the same in all well-regulated workhouses. He should state what was exactly the rule now in force:—

> "Before being removed from the receiving ward the pauper shall be thoroughly cleansed, and shall be clothed in a workhouse dress; and the clothes which he wore at the time of his admission shall be purified, and deposited in a place appropriated for that purpose, with the pauper's name affixed thereto. Such clothes shall be restored to the pauper when he leaves the workhouse."

That rule had been introduced on considerations suggested by the necessity of securing cleanliness; and, no doubt, by enforcing it the cleanliness and health of the establishments had been very materially promoted. It was from considerations of the nature he had described, and not from any desire to introduce a mark of degradation or insult, that the regulation had been adopted and maintained.

Subject at an end.

ROME—HER MAJESTY'S LETTER TO THE POPE.

MR. C. ANSTEY begged to put a question to the noble Lord the Secretary for Foreign Affairs, who a few days ago had laid upon the table of the House a copy of the correspondence which had passed between the noble Lord and Her Majesty's representative abroad, on the subject of the affairs of Rome. Amongst those documents he (Mr. C. Anstey) found a letter from Cardinal Antonelli to the noble Lord, stating that the Holy Father had been very much affected by the sympathy which, in a letter addressed to him in the month of January, Her Majesty had shown for his position, and that his Holiness was encouraged to hope that Her Majesty would, under the circumstances, co-operate in any proceedings to prevent the continuance of a state of things which his Holiness believed to be detrimental to the happiness of nations. Now, that letter of Her Majesty was not included in the documents produced; and what he wished to ask was, whether the letter of Her Majesty could be held to warrant the inference contained in the letter of Cardinal Antonelli? and also whether the noble Lord would object to lay the letter of Her Majesty on the table of the House?

VISCOUNT PALMERSTON: The letter to which the hon. and learned Gentleman refers was a reply to a letter addressed by the Pope to many of the Courts of Europe, and amongst others to Her Majesty, announcing that he had been obliged to retire from his States, and soliciting the general good will and countenance of the Courts to which the letters were addressed. In the answer which it is usual to return to letters of that kind, Her Majesty expressed Her regret at the events which had occurred, the great satisfaction Her Majesty would feel at learning that the differences between the Pope and his subjects had been put an end to, and stating, of course, that Her Majesty would be glad if She could assist at a reconciliation. It is not usual to lay letters of that sort, which are letters of form, upon the table of the House. The correspondence of Her Majesty's Government respecting the bearing of the acts of the British Government, has been laid before the House, and the House is in perfect possession of the views and intentions of the French Government with respect to the matters in question.

MR. C. ANSTEY wished to know whether the noble Lord was of opinion that the letter of Her Majesty was not one for which the Government were responsible?

VISCOUNT PALMERSTON: These letters are always framed by the responsible advisers of the Crown.

Subject dropped.

THE AFFAIRS OF THE RIVER PLATE.

MR. SMYTHE: I wish to ask a question of the noble Lord the Foreign Secretary, which is of critical importance in the present state of affairs in the River Plate. I wish to know whether he would have any objection to state generally the terms of the proposals transmitted to him by Mr. Southern, by the packet in May last, for a convention by which to settle the differences between the Oriental and the Argentine Republics? I wish to ask, also, whether those proposals are in any way modified by a despatch since received by Her Majesty's Government; and, also, whether any communication has taken place with the French Government with respect to this question, since the month of May last?

VISCOUNT PALMERSTON: I think it quite natural that the parties concerned in these transactions should feel a great desire to know what are the precise negotiations pending, and what communications have passed on the subject. But I feel sure that the hon. Gentleman, with his official experience, and the House itself, will be of opinion that it would not be consistent with my duty to state verbally, or by the production of papers, the details and present state of negotiations still pending. It is obvious that such explanations could only tend to impede and not to accelerate the conclusion of the matter. But I have no difficulty in saying that Her Majesty's Government are in communication with the Government of France with respect to these affairs. The French Government, however, has only been recently formed, and it has been occupied with very important matters since its formation: so that will account for these communications being still open. I should be sorry to say anything which should induce the merchants to entertain expectations which will not be realised, or that there will be a failure in the stipulations; but thus much I may say, that the present state of the communications between the Argentine Republic and the Governments of England and France, is one which leads me to the hope and expectation that these negotiations may end in a satisfactory manner.

MR. SMYTHE: As the noble Lord has said that these negotiations are likely to terminate satisfactorily—as he has said thus much, perhaps he would not object to say, that in the event of their coming to a satisfactory issue, due provision shall be made for guaranteeing the independence of the Oriental Republic, and the security of the lives and properties of the people of Monte Video?

VISCOUNT **PALMERSTON**: I can state that all parties to the negotiation have accepted as a basis the independence of the Banda Oriental Republic. General Oribe, the candidate for the presidency of that Republic, has pledged himself on several occasions to the representatives of Her Majesty and of the French Government, that in the event of his returning to authority he would take measures for the complete security of property and persons, whether foreign or native.

Subject at an end.

THE RECTORY OF BISHOP WEARMOUTH.

MR. **HORSMAN** said, that as he did not wish to stand in the way of the financial statement, he would postpone the Motion of which he had given notice. But there was another question, which he deemed to be of such pressing importance that he desired to call the attention of the noble Lord the First Minister of the Crown to it. It affected an Order in Council which might possibly take effect before he (Mr. Horsman) had an opportunity of drawing the attention of the House to the subject. At the commencement of the Session he had presented petitions from Sunderland and other places, signed by 50,000 persons, with respect to the arrangement made by the Bishop of Durham. At the time, the noble Lord had stated that it was the intention of the Bishop of Durham to bring in an Act of Parliament to effect the object in view. Shortly after, the noble Lord had stated that the Bishop of Durham intended to effect the arrangement by an Order in Council. He (Mr. Horsman) had objected to that course, as an Order in Council was a secret proceeding, of which the people knew nothing until it was announced in the *Gazette*. The noble Lord then stated that the parties should have that voice in the matter which they would have in the case of an Act of Parliament. He had communicated that assurance to the parties; but he had since received a communication from the noble Lord, forwarding a scheme drawn up by the law officers of the Crown, and with an intimation that, if it were approved of, it would be submitted to the approval of Her Majesty, and then be gazetted. Now, that was not the understanding which he had communicated to the parties. To the scheme he entertained this objection, that it was only a slight variation of the plan proposed before. He now asked whether the parties locally interested would be allowed full time to consider this scheme, and whether, should they ascertain that the scheme was only a slight variation from the plan against which they had originally petitioned, they would be allowed to apply to Parliament before the ratification of the scheme?

LORD J. **RUSSELL** said, he remembered undertaking to inform the hon. Gentleman of the substance of any proposed scheme of the Ecclesiastical Commissioners before that scheme was finally adopted; but he certainly did not remember saying that there would be the same power of correcting and altering that scheme as there would be if it were brought before Parliament. The hon. Gentleman had correctly stated that he (Lord J. Russell) had informed him yesterday that a scheme would be brought before the Ecclesiastical Commissioners for making provision for the cure of souls in the parish of Bishop Wearmouth. He had conveyed that information to the hon. Gentleman as soon as he had received it from the secretary of the commissioners. With respect to the hon. Gentleman's question he would not undertake to say what the Ecclesiastical Commissioners might think fit to do with respect to this scheme. He did not know whether anything had passed on the subject yesterday. If so, it would probably receive their seal sometime next week. All he had engaged to do was, that the scheme should not be brought before the Privy Council until the hon. Gentleman had communicated with the parties interested, and they had made any representation they thought proper. He could not say that if the scheme was found to differ materially from that which the petitioners asked for, that he should feel bound to interpose to prevent its adoption: all he could say was, that, if time would allow, the hon. Gentleman would have the opportunity of bringing the question before Parliament, if he thought fit, before the scheme was ratified by the Queen in Council.

Subject at an end.

FRENCH INTERVENTION IN ROME.

MR. **ROEBUCK**: Sir, I wish to ask a question of the noble Lord the Secretary of State for Foreign Affairs, which it will not take me many minutes to explain to him and to the House. I frankly acknowledge that my object in putting it is to get from the noble Lord the expression of an opinion from him, which, under the peculiar circumstances of the case, will, I think, be of infinite service, I might say, to the interests of mankind. The situation of this country is such, that, from time to time, and of necessity, our interference is asked by various nations in matters of negotiation. Other nations, feeling and knowing the power of this country, and our position in the world, we are constantly appealed to as mediators and arbitrators between contending Powers. The papers I hold in my hand are an evidence of this. Unfortunately, as I think, for the interests of Europe, and for the country itself—I mean that of Rome—unhappy disputes occurred between the Pope and his subjects. With those disputes we have no concern, except as they led to one result, and enlisted other nations to take part in the concerns of Rome. Some time early in this year, the Pope unfortunately left his dominions, and took refuge in Gaeta. Thereupon he made applications to foreign nations for assistance. Among the foreign nations he applied to England, and the mode in which England was applied to is what I desire to call attention to on the present occasion. Gentlemen will have seen a letter in the papers from the Minister of the King of the Two Sicilies to the noble Lord, asking him to be a party to the negotiations about to be carried on for the restoration of the Pope to Rome. Two modes of effecting this were contemplated—the one by negotiation, and the other by recourse to arms. The noble Lord, after the receipt of the letter of which I have already spoken, replied in the terms of the letter which I now hold in my hand, expressing distinctly his views on this intervention. The noble Lord said, that as the Pope had not applied to Her Majesty's Government, he could give no answer to Prince Castelcicala on this matter. Thereupon the noble Lord is applied to by the Pope, through Cardinal Antonelli, in order to take part in that negotiation. By the bye, no distinct answer was then given to Prince Castelcicala; but I gather what the answer must have been from other parts of the papers which I hold in my hand. It was, as I take it to have been, declining, on the part of the Government of this country, to take part in the negotiations which they proposed. Now, Sir, the object of that negotiation was to restore the Pope to his ecclesiastical as well as to his civil authority; and the complaint made by Cardinal Antonelli, and by the Pope himself, was, that the people of Rome had thought fit to dispute the propriety of the ecclesiastical and temporal dominion of the Pope being united; and that he (the Pope) called on the Catholic Powers of Europe to reinstate him in his papal supremacy as Pope and as a civil prince. And England was applied to in order to aid and assist in that object. While this negotiation was going on, France interfered, and interfered not only by way of negotiation, as the noble Lord himself had recommended, but France interfered by arms. Now, Sir, I say the position of England is one of so remarkable and striking a character—she stands so high as to be safe from all imputation—her atmosphere is so perfectly calm and serene, that her judgment in this matter is entirely undisturbed by passions of any sort. Therefore her opinion, going forth to the world through the regular and proper channel by which her opinion can be expressed—I mean, through the Minister of the Crown—must exert amongst the nations of Europe a most important influence. And what I desire to obtain from the noble Lord on the present occasion is his marked, unequivocal, plain, and strong disapprobation of the interference on the part of France with the civil concerns of other people—of a people wholly unoffending as regards that nation, which, as far as we are concerned and know, ought to have left them as much to the determination of themselves as was the nation of France in establishing its own present form of government. And, Sir, I cannot, on such an occasion, refrain from expressing my astonishment, and in that astonishment I include disapprobation—which I believe, sincerely believe, will be participated in by all sides of this House—at the extraordinary proceedings on the part of France on this occasion—on the part of a people who themselves have been left to pull down and put up as many governments as they please—a people who, above all others, have invoked the right of themselves, as a nation, to decide on the affairs that regulate their own happiness—by a people that, on all occasions, have manifested the most violent opposition to any interference in their own concerns, and whose greatest boast and renown has been their resistance of any interference in their own government on the part of any foreign country. Now, Sir, what is the state of that great citadel, that illustrious depository of the monuments of the genius of ancient and modern times? She is girt at the present moment by the armies of France; and they, with all their schoolboy recollections, and quickness of feeling to what is called classical illustration, must feel that they are once more acting the old Gaul on Italian ground, just with the same spirit, although they now are, as they call themselves, a civilised people, as they did as barbarians many centuries ago. This, Sir, is a case in which I do not wish England to participate even by silence, but that the noble Lord should come forward broadly stating his views, not as the papers before us say, that he does not approve of interference at all by arms, but if arms are taken up, why we have nothing on earth to do with the matter. I say that this is not the language which England ought to hold. I have no desire in any way whatsoever to be supposed anxious to assist either of the parties now disputing at Rome. I do not ask for the noble Lord's opinion on Roman transactions; but I do ask him, as, on the one hand, he does not wish the notion to go forth to the world that we are supporting the Government of a minority or a rabble, so, on the other hand, to show that he gives no support to any authority of which the people concerned do not themselves approve. I therefore ask him this plain question, whether he has already, by any papers not now in our hands, explained definitely to the Government of France that the transactions now going on before the walls of Rome not only will not find favour with the people and Government of England, but in the opinion of Her Majesty's Government are deserving of severe reprobation? Recollect what it is that is now going on at Rome. This moment, I believe, it is about being bombarded by the French troops. Why, you cannot throw a shell into that city without destroying some beautiful relic either of ancient or modern art. And I would ask the noble Lord, even on that ground alone, whether he should not come forward and employ that high authority—that moral influence of which he himself speaks in these very papers—not simply for the preservation of peace, as well as of all that is precious in art, but also for the still greater object of maintaining the great interests involved in this most outrageous attack of the French people upon all the great principles upon which their own institutions are founded, and by which their own highest renown has been attained? If, indeed, it had been an Austrian or a Russian, a Prussian or a German, who had directed his hostile march to the walls of Rome, and there poured in shot and shell upon all its works of art—then, however much my disapprobation might have been aroused, astonishment, at least, could not have attended that disapprobation. But on this occasion, that they who pretend on all occasions to be the friends of art and of freedom—who claim to themselves the honour of fighting the battle of freedom singlehanded throughout Europe, and advancing the cause of popular liberty through the principles of their own revolution—that they, of all others, should be the first to interfere with—what?—the only imitation, I believe, of the great model which they have set up for themselves—a little republic, a weak people; and for them to be assailed by the armies of France—for the only republic, I believe, now in Europe, excepting that of France herself, to be assailed by those who set them the example, and excited them to follow in their footsteps, and do as they have done—who, by every means in their power, have brought their imitators into their present position—for such a nation, because they are great and powerful, to send their armies and to send their generals to dictate to a people weaker than themselves, and who, following humbly in the wake of their aggressors, have not given one particle of offence to any other nation—Sir, I ask this House, in the face of the world, to express its firm disapprobation of such a flagrant proceeding. I ask it for the sake of the best interests of humanity. I do not want to give rise to a war; but I do want England to exercise the mighty influence she has at her command, and not to lose the high advantage of her proud position as arbitress among the nations. And I ask the noble Lord to be busy, as he ought to be, to express, as I know he would express, if this House says it disapproves of this proceeding, the strong and unanimous feeling of the united and assembled Ministers and representatives of the people of this country.

VISCOUNT PALMERSTON: I am sure, Sir, the House will feel the delicacy of the position of a Minister of the Crown who is called upon to pronounce judgment on the conduct of the Government of a foreign country. It is not the business, I apprehend, of a Minister of the Crown, standing in this House, to become either the defender or the judge of the proceedings of a foreign Government in matters with regard to which the British Government has declined altogether to be parties. But I can have no hesitation in stating that Her Majesty's Government have witnessed, with deep regret, the circumstance to which my hon. and learned Friend has now referred. And more than that, I think, in the present state of things, the House will excuse me from saying, Sir, there have been many events passing in Europe which the Government of this country have not looked upon with indifference; but we have not considered that it was our duty, and we have not considered, moreover, that it was calculated to accomplish any useful purpose, to constitute ourselves the judges and censors of many things in which other nations are concerned; but I can only say that we are no parties to these transactions. The House will see by the papers that have been produced, that we from the outset have deprecated any armed intervention by foreign Powers in the internal affairs of the Roman States. We declined to be parties to the negotiations to be carried on at that time, and, therefore, we cannot speak from certain knowledge as to what has been the course of these negotiations. Therefore, we are not in a position to state distinctly what the character of the whole circumstances have been which have led the French Government to adopt what I must consider a most unfortunate proceeding.

Mr. HUME was glad to learn that the British Government was no party to the atrocious proceedings at Rome; but he rose to ask the noble Lord whether he was prepared to lay before the House the correspondence with the French Government which a short time since he said he must first ask the French Government if it would allow to be made public?

Viscount PALMERSTON was understood to say that the French Government had no objection to the publicity of the communication in question, which was not a note addressed to the Government of this country, but it was a despatch addressed to the French Minister at Vienna, a copy of which was transmitted to the British Government. The document, however, would be produced.

Mr. HUME wished to ask one question more. ["No, no!"] It was very important, and he hoped the House would allow him to put it to the noble Lord. When the people of France changed their Government, the British Government recognised the Government *de facto* of France. Now, he wished to know whether it was correct that Her Majesty's Government had refused to recognise the Government *de facto* of Rome?

Viscount PALMERSTON replied, that the British Government did not recognise officially the Government of France until some months after the revolution, and when the new Government had assumed a settled and definite form. The Government of Rome had not yet attained that condition.

Subject dropped.

WAYS AND MEANS—THE BUDGET.

The House having resolved itself into a Committee; Mr. Bernal in the chair,

The CHANCELLOR of the EXCHEQUER spoke as follows: Although the statement which I am about to make to the Committee is not so favourable as I could have wished to make, or as I should have been justified in making if I had submitted the financial condition of the country to the House at an earlier period of the Session, yet I hope and believe that, considering the circumstances of the time at which I am speaking, it will not prove altogether unsatisfactory to the Committee or the country. We should very imperfectly appreciate the value of a statement of the financial resources of the country if we did not take into consideration the circumstances not only of our own country but of those foreign countries with which we maintain commercial intercourse. It must be remembered that a year and a half ago severe commercial distress prevailed in this country, that there has been a famine in Ireland, and that the state of the Continent has been such as to cause the greatest interruption to our commercial intercourse with those countries with which, under ordinary circumstances, we carry on trade to a very large extent. When I stated, some time ago, that the blockade of the northern coasts had considerable effect in depressing our manufactures, some hon. Gentlemen opposite seemed surprised at the statement; but I can appeal to those best acquainted with the seats of our manufacturing industry to confirm my statement that the circumstances referred to clouded the prospect of improvement which opened upon us at an earlier period of the

Session. When I state that the trade with Germany alone is supposed to require two days' work in the week from our cotton mills, it must be evident that the interruption to commerce caused by the blockade of the northern ports and by the disturbed state of central Europe, was sufficient to damp the sanguine expectations which prevailed in the manufacturing and commercial world at the beginning of the year, of a more prosperous state of commerce than subsequent experience has justified. I think that in this circumstance we may find the strongest confirmation of the proposition which I advanced last year, namely, that we are deeply interested in the prosperity of our neighbours, because they are far more valuable to us as purchasers than they are formidable as competitors, and that we best consult our own interests in promoting by every legitimate means in our power that peace and tranquillity in neighbouring countries on which not their prosperity alone, but our own also, in some degree, depends. I hope that the circumstances to which I have adverted will be admitted to confirm the prudence of the course which I took at an early period of the Session, in declining to comply with the request of some Gentlemen, who wished me to make my financial statement in February. The information which I had then received certainly led me to expect a larger income from the Customs than the result has justified. Additional sources of expense have also been opened since that time, and, although I might of course have made a financial statement at any period of the Session, yet, as the object of that statement is not merely to explain the views which the Chancellor of the Exchequer at the time may entertain, but to furnish to the House and the country an estimate of the probable financial condition of the country for the year, drawn from correct data, and on which they may rely with as much certainty as can be attained in such matters, it must be obvious that it would be illusory to make the statement at a time when I could not take upon myself to say that my calculations could be relied upon. Before I proceed to state the prospects of the ensuing year, I will, according to custom, refer briefly to the circumstances of the year that has passed. It will be remembered that early in the Session of 1848 we felt ourselves compelled to propose to this House a large increase of taxation. We found an amount of past expenditure, principally for the Kafir war, which we had no present means of defraying. We also thought it advisable to complete certain large and important works which had been already undertaken, and we believed it to be the best economy in the end to complete them at once. In fact, we took the same view of those works which I find hon. Gentlemen are now disposed to take of the works of the New Palace at Westminster. We thought, however, that it was our duty, rather than to propose a further loan, to call upon the House to agree to a temporary increase of taxation, in order to cover this expenditure. This proposal, however, the House pretty unanimously refused to sanction, and accordingly, in deference to the opinion then expressed, we felt ourselves bound to adopt another course. The course which we took was, so far as regarded past expenditure, over which we could exercise no control, to ask permission to borrow a sufficient sum to cover it; while as to the expenditure the control of which was in our power, the course which we took was to reduce it, so far as we possibly could consistently with the interests of the country, and to spread the remainder over a longer period, so as to bring our annual expenditure within our annual income. I then stated that if the income tax was renewed for three years, and the other taxation maintained, that I entertained the expectation that in three years the aggregate income of the country would be greater than its aggregate expenditure for these three years. I repeated that assurance at the end of last Session, and I stated early this year how far these expectations had been realised. Hon. Gentlemen will remember that I stated that we had so far reduced the expenditure, that, after having provided for the expenditure for the Kafir war, the previous excess of naval expenditure, and the sum required for Irish distress, and that for emigration to Canada, by borrowing money to the extent of 2,000,000*l.*, I anticipated that our income would be within 290,000*l.* of our current expenditure. I am speaking now of the last financial year. I stated at the time that I thought it impossible to form an estimate of what would be the produce of the duty on corn. In the estimate which I laid before the House of our income for the year ending April 5, 1849, I omitted the probable produce from that source. I estimated the ordinary income—always excluding corn—as likely to amount to 51,550,000*l.* The actual produce was rather less, principally owing to a most unexpected falling off in the stamps, which source of revenue had been unduly elevated by the extraordinary number of bills in circulation during the time of fictitious prosperity. They produced, in fact, 450,000*l.* less than was calculated in the revised estimate furnished at the close of the last Session. The ordinary income fell short by about 50,000*l.* of what I anticipated; the extraordinary income I stated at 580,000*l.*, whereas it produced only 569,000*l.* The total anticipated income was 52,130,000*l.*; the total produce, exclusive of corn, was 52,067,731*l.*, being about 62,000*l.* less than I anticipated. The actual expenditure was 53,287,110*l.* This sum exceeds considerably the estimate which I had formed. But there are included in that sum two very considerable items which I did not include in my estimate of the expenditure. The one is the sum to which I have already alluded for the relief of Irish distress, and the expense incurred in Canada by Irish immigrants in the preceding year, amounting together to 389,920*l.*; and the other is the naval excess for the preceding year, which, though chargeable upon the supplies of this year, is included in the expenditure side of the balance-sheet up to April last. The sum in question is 323,787*l.*; making, with the Irish sum, a total of more than 713,000*l.* Now, if you deduct that sum from the whole expenditure, there will remain 52,573,403*l.* My estimate of the year's expenditure was 52,422,335*l.*; and, therefore, the expenditure of the year exceeded the estimate by 151,068*l.* The total expenditure, including the Irish distress vote and the naval excess vote, being 52,287,110*l.*: the total receipts—including the corn duties, which amounted to 950,000*l.* during the year—amounted to 53,017,732*l.*; thus showing a balance of actual expenditure over actual revenue of 269,378*l.* But if hon. Gentlemen will compare the receipts of the year with the current expenditure of the year, excluding the Irish distress and the Canadian emigration—

MR. HERRIES: What year are you talking of?

The CHANCELLOR OF THE EXCHEQUER: Of the last financial year. If you will compare the receipts of the last year with the current expenditure of that year, excluding, as I said, the votes for Irish distress and naval excess, you will find the actual current expenditure, 52,573,403*l.*, to be less than the actual receipts by 444,329*l.* The actual surplus, therefore, of income over the current expenditure of the year, is upwards of 444,000*l.* Even if you add, as, perhaps, it is fair to do, to that sum the expenditure of the preceding year in excess, merely deducting the expenditure for Irish purposes and emigration to Canada, which I never anticipated paying out of the income of the year, the surplus will still amount to 120,000*l.* on the receipts of the last year above the expenditure of the last year. Taking, therefore, the first year of the three of those in which I held out expectations that the income would exceed the expenditure, you will find that my prediction has been realised to this extent, that, taking the actual income and expenditure of the year, there is a surplus of 444,000*l.*; and even after adding to the expenditure belonging to the year the excess of the preceding year, there still remains a surplus above 120,000*l.* I come, now, to the prospects of the present year. If hon. Gentlemen hold in their hands the balance-sheet up to the 5th of April, they will see that the receipt of customs duties — I take the round numbers — was 21,170,000*l.* Of that, 950,000*l.* was for duty on corn. [An Hon. MEMBER: What kind of corn?] Grain and meal of all sorts. Exclusive of that receipt of corn duty, the customs amounted to 20,220,000*l.* Early in the year, as I have already said, I was led to expect there might be no inconsiderable increase in the receipt of customs this year. Circumstances have to some extent changed since then; and although up to the present time they have not looked so favourable as they did early in the year, yet I have a confident expectation that the receipts of customs for this year will not be less than they were last year. I propose, therefore, to take the customs, exclusive of the corn duty, at 20,200,000*l.* Last year the receipt for duty on corn was, as I have said, 950,000*l.*; and as we have now a fixed duty of 1*s.* on every quarter of corn, it will be more easy to calculate the probable receipt from corn. I find that in the course of last year there was received on Indian corn and meal—an article for the introduction of which even the agriculturists were most anxious—no less than 96,000*l.*; and I see no very good reason why nearly the same quantity should not be introduced in the current year. As to the duty to be received upon grain of other kinds, it is not very easy to form an estimate, because so much must depend on the produce of the next harvest; but I do propose to take it at between 150,000*l.* and 200,000*l.* I expect that the income from grain in this year of all sorts will be between 200,000*l.* and 300,000*l.*, and I propose to take it at 250,000*l.*, making the total receipt from the customs this year 20,450,000*l.* The income from excise duty last year was 13,932,270*l.*; I propose to take it for the present year at 13,710,000*l.*—rather more than 200,000*l.* less than last year. The stamps last year produced only 6,565,364*l.*; they have been, I am happy to say, improving since the beginning of the year, and I propose to take them at 6,750,000*l.* The taxes produced last year 4,318,900*l.*; I propose to take them, in round numbers, at 4,300,000*l.* The income tax last year produced 5,317,000*l.*; I propose to take that rather lower for the present year—at 5,275,000*l.* The Post Office last year produced 812,000*l.*; this year there will probably be some reduction in the postage from France, and I propose to take the Post Office revenue at 800,000*l.* The receipts from the Crown lands last year were 100,000*l.*; but there will be some other monies paid in on the same account this year; and I propose to take the whole receipts at 180,000*l.* The miscellaneous receipts last year were 182,000*l.*, and I had intended to have taken credit this year for that amount, when a very odd circumstance happened — I was obliged to move for a vote of 52,000*l.* to replace property to that amount which had escheated to the Crown; but the very same day other property escheated to the Crown to the amount of 40,000*l.* — so that I propose to take the estimate of miscellaneous receipts for this year at 222,000*l.* Old stores last year produced 485,000*l.*; I propose to take the same estimate this year. From surplus fees, &c., there was received last year 111,000*l.*; I propose this year to take it at 90,000*l.*—making the whole receipts of the year 52,262,000*l.* I now turn to the expenditure of this year. The interest and management of the public debt will be 27,763,527*l.* The interest of Exchequer-bills will be 480,000*l.*; making the interest and management of the debt, funded and unfunded, 28,243,527*l.* The civil list and other charges on the Consolidated Fund will be 2,781,556*l.*, and the grant made early in the Session for Irish distress of 50,000*l.*, makes the whole charge on the Consolidated Fund, exclusive of the debt, 2,831,556*l.*; so that the total amount charged on the Consolidated Fund will be 31,075,083*l.* The amount voted for the Navy is 6,260,740*l.*; for the packet service, 748,296*l.*; and a subsequent vote was taken for the Arctic expedition, of 12,688*l.*; making the total amount for the naval service, the packet service, and the Arctic expedition, 7,021,724*l.* The vote for the Army is 6,142,211*l.*; and for the commissariat, 531,872*l.* There still remains to be voted the estimate for the militia, which amounts to 113,000*l.*; making the total amount for the Army, Commissariat, and Militia, 6,787,083*l.* For the Ordnance, the amount is 2,654,270*l.*; for the miscellaneous estimates, 3,924,731*l.*; and then there is a sum of 52,173*l.* to refund the escheated property left by Mr. Turner. Those sums constitute the current expenditure of this year. [An Hon. MEMBER: Is that the total expenditure?] I have not stated the total yet. [*A laugh.*] Hon. Gentlemen are aware there have been also voted for the naval excess of the year 1847-8 a sum of 323,787*l.*, and for the Ordnance excess up to April, 1846, 97,984*l.*; but I am sorry to say that there are excesses in the Army, Ordnance, and Commissariat accounts for the year 1847-8. The excess for the Army is 119,950*l.*; for the Ordnance, 35,386*l.*; and for the Commissariat, 65,525*l.* These excesses altogether amount to a sum of 642,632*l.* The total expenditure, therefore, including those excesses, is 52,157,696*l.*; and deducting the expenditure, inclusive of those excesses, from the anticipated receipts, there will be a surplus of 104,304*l.* This sum is, I am sorry to say, not large; but the prospect is more encouraging for the future than for the present year. If you deduct from the expenditure the amount of the excesses I have stated for previous years, there will be an expenditure for the year of 51,515,064*l.*, leaving a surplus of the year's anticipated receipts over the expenditure of the year of 736,936*l.* It is right, in looking at this expenditure, that hon. Gentlemen should remember that in these estimates, for the first time, we have voted the whole of the gross expense; and, therefore, comparing the gross expenditure voted for the present year with the votes for the expenditure of preceding years, the estimates of the present year appear between 500,000*l.* and 600,000*l.* higher than those of preceding years, in consequence of the appropriations not having been deducted. They are not really so, and due allowance must, of course, be made for this circumstance, in comparing them with former years. I am anxious now to call the attention of hon. Gentlemen to the result of the statements which I have made for the two years, in order to show how far we have succeeded in redeeming the pledge we gave of keeping the current expenditure within the current income. If my anticipations are realised in the course of this year, then in two years there will be an excess of income over current expenditure of between 1,100,000*l.* and 1,200,000*l.* This, too, affords a cheering prospect for the future, when we have no longer to defray the excesses of former years. I shall advert shortly to this subject of excesses, though it will more properly be brought before the consideration of the House when they come to be voted. The prospect, however, for the future is so far satisfactory, that, supposing there is no future increase of income, and no diminution of the expenditure, there will still be a considerable surplus of income above the expenditure. The heaviest part of these excesses has arisen in the naval department, and I am afraid that even in the expenditure of the last year we may have hereafter to vote an excess. Hon. Gentlemen may not be aware that the most expensive thing for the time which can be done in the Navy is to make a reduction of force. The great payment of seamen's wages takes place, of course, when ships are paid off. The sums voted for wages of seamen one year with another cover the expense; but if any one year a large reduction of men is made, more than the average proportion of payment comes into that year, and, of course, an excess of expenditure may be the result, without any blame attaching to the Admiralty. I have the greatest confidence in the economical administration of my right hon. Friend the First Lord of the Admiralty; and I trust that after this year no such thing will occur again. With regard to the other items, it will be better to go into a full explanation of them when the votes are taken. To a great extent they have arisen from circumstances that could not be foreseen at the time. A considerable part of them arises from the removal of troops, and the necessity of finding forage during the early part of the spring of last year, in consequence of the disturbances in Ireland, some from troops arriving from India earlier than was expected, and from others not being sent off to India from other colonies so soon as was expected; partly also they are to be attributed to our having applied to the departments a more rigid system of winding up their accounts at the end of the year, instead of allowing them to hold, as they did in former years, a surplus in their hands. In ordinary years, surpluses have been surrendered to the ways and means, and 150,000*l.* has been surrendered in that way, as appears by the finance accounts, in the last year, which may be set off, to a certain extent, against the excesses which I have mentioned. I hope that by the strict rules we are adopting to enforce the strictest attention to their expenditure in all the departments, these excesses will not happen again. I think it right I should, as far as I can, satisfy the House that the anticipations of income I have formed, are not without just foundation. The expenditure we know pretty accurately to be what we have voted. I wish, in the first place, to refer to a paper moved for the other day by the right hon. Gentleman the Member for Stamford, which, without some explanation, might appear to indicate a failure of income greater than the circumstances warrant. With regard to the Customs, there appears, since the beginning of this year, a falling-off as compared with the same period last year, but it is not considerable. The main falling-off is, however, apparently in the Excise, in which it would appear from this paper that since the 5th of January this year there has been a falling-off of 496,412*l.* That gives a very incorrect representation of the real truth. In the first place, taking this financial year, that is, from the 5th of April, the whole difference, instead of being 496,412*l.*, is only 400,000*l.*; but the truth is, that this is not altogether a falling-off, but is in the main only a postponement. Hon. Gentlemen are aware that I have had to postpone one-half of the hop duty, and that which I should have received at the beginning of May is postponed until the autumn; and, therefore, 196,000*l.* is postponed to a subsequent quarter, instead of being received in the present. The malting season was six weeks later this year than the last; and duty, therefore, amounting to about 200,000*l.* upon malt, has not fallen off, but is only postponed. In the last round, as it is called, of the Excise, there is an actual increase of charge of about 50,000*l.*, taking England and Ireland together. Last year, also, the Scotch and Irish distillers were allowed to bond spirits in this country, which postponed the duty, and the sum of 400,000*l.*, which appears to have fallen off this year, is, in truth, not a diminution, but only a postponement of receipt. With regard to the stamps, it would appear from this paper that there was a decrease, since the 5th January, of 35,967*l.*; but in that duty, which affords some proof of the financial state of the country, there is an actual increase on the quarter since the 5th of April of 40,000*l.* In the taxes, also, the decrease since the 5th of April is only 5,700*l.*, instead of 58,000*l.*, as it appears to have been since the 5th of January. In like manner the income tax by this paper appears to be 5,633*l.* short since January; but since the 5th of April there is an increase of 9,700*l.* I am sorry to say that, with regard to Ireland, I cannot give so satisfactory an account as with regard to Great Britain; but the circumstances of that country are really such that I am not so much surprised that the revenue has fallen off, as I am that it has kept up to its present amount. Now, Sir, I wish to go a little further back with respect to the probable income of this country. I think, if we look back for six or eight years, and see what the income has been under the varying circumstances of those years, we may entertain a most well-founded confidence that I have not overstated the probable income for the ensuing year. In the year ending the 5th of April, 1842, before the recent changes in our taxation, the ordinary income of the country, excluding the income tax, was 48,031,000*l.* In that year, it will be remembered, a considerable reduction of duties took place. In the year ending the 5th of April, 1843, the ordinary income was 45,507,000*l.*; in the year ending the 5th of April, 1844, it was 46,455,000*l.*; and on the 5th of April, 1845, it had again attained the amount of 48,111,000*l.* In that year, again, a considerable reduction of duties took place; and in the year ending the 5th of April, 1846, the ordinary income fell to 45,990,000*l.* In the year ending the 5th of April, 1847, the income had again risen to upwards of 48,000,000*l.* I am not prepared to say, that I think that year can be considered a fair criterion of probable revenue in an ordinary year, for several reasons, as for instance the income under the head of "Stamps" was unduly swelled by fictitious bills and other matters going on at that time in connexion with railways. In that year a considerable amount of duties was repealed; and in the year ending the 5th of April, 1848, the income was 45,992,000*l.* The income for last year, excluding the duties on corn, was a little above 46,000,000*l.* I do not think we can anticipate that the income of the ensuing year will be worse than that of the two preceding years. I therefore take the income of the present year as very little above 46,000,000*l.*, and I think I am perfectly warranted by the experience of past years in assuming that the ordinary income of the country, exclusive of the income tax, will amount to that sum. It is most important, also, to bear in mind that the ordinary income of the country has been kept up, as I have shown, in spite of the reduction of taxes which has taken place. Hon. Gentlemen sometimes complain that no reduction of taxes takes place because Bills are not introduced into Parliament, forgetting the operation of the Acts already passed. Now, the estimated amount of duties which expired or were reduced in the year ending 1847, was no less than 344,886*l.* The amount of duties which expired or were reduced in the course of 1848, was 585,968*l.*; and this year again there will be a reduction of duties, exclusive of the corn duties, amounting to 385,865*l.*, principally upon the article of sugar. But, seeing that the income of the country has not only been maintained, but that we have an increasing income in spite of the heavy reductions in the last two years, I do feel warranted in concluding that the ordinary income, excluding the income tax, will not fall short of what it has been in those two years—namely, 46,000,000*l.* I believe that the state of the country is such as fully to warrant that anticipation. I should, under ordinary circumstances, have felt it my duty to go at some length into the question of the state of the country; but the hon. Member for Buckinghamshire (Mr. Disraeli) has given notice of a distinct Motion upon that subject. I am very glad that he has done so, for I feel it is most desirable for all parties that that question should be fully and fairly discussed. I think, therefore, that it is fairer to the hon. Member, and that it will be more satisfactory to this House, that I should not now go into that subject, and thus interfere with the discussion that will take place on a future day. I think it by far the better plan that the subject should be discussed as a whole, rather than that we should deal with it piecemeal. I will only say that there certainly is a decided improvement in the manufacturing districts; money is easy; the amount both of bullion and of reserve in the Bank of England is very high, and increasing; and I feel therefore fully warranted, by what I believe to be the state of the country, in anticipating the income I have mentioned from ordinary sources in the course of the ensuing year. I now come to the expenditure, and I must express my expectation that in future years we shall be able still further to reduce our expenditure. I will not go back to the expenditure of 1835, because so many changes have taken place in the circumstances of the country since that time. Many charges have been thrown upon the public revenue which were not formerly borne by it; and I must again, as I have done on former occasions, express my regret that so strong a disposition exists, even among the most economical Members of the House, perpetually to increase the charge thrown upon the public revenue of the country. I think that course is a great public evil and misfortune. It is not at all uncommon for a Chancellor of the Exchequer, who is generally charged in this House with being a wasteful administrator of the public money, to be told the moment he gets out of these walls that he is refusing money for the most necessary and advantageous expenditure; and I hope the majority of this House will assist me in resisting the imposition of any further charges upon the public revenue. I will go back, with regard to the expenditure, only so far as 1845, when it amounted to 48,000,000*l.* In that year, when the right hon. Baronet opposite renewed the income tax, he stated most fully and fairly to the House—and the House accepted the proposal—that the income tax should be renewed, accompanied by reduced taxation, but accompanied by some increased expenditure. The right hon. Gentleman stated that, with due consideration for the comfort and the necessary relief of the British Army—with due regard to the protection of British trade abroad, and in order that the national defences of the country might be placed in a proper state of efficiency—it was necessary to increase the public expenditure; and the House approved and agreed to that proposition. Now, we have been told that a House of Commons more popularly constituted would not have incurred this additional expense. I cannot say that such is my opinion; for I believe no proposal was ever submitted to this House which, at the time, was more universally popular than that to which I have referred. I remember perfectly well that, not being an alarmist myself—having disregarded the alarms of an hon. Gentleman opposite as to the descent of the Russians, and not being afraid of an invasion of the French—I was not anxious that a large expenditure should be incurred for the purposes I have mentioned; but I always found myself in a very small minority, and even Gentlemen who have taken a most active part in the Financial Reform Association, were at that time strong supporters of an increased expenditure for the national defences. I find that so lately as December, 1847, the hon. Member for Middlesex (Mr. Osborne) had a Motion on the Paper to call the attention of the House to the state of the national defences in Great Britain and Ireland. Now, I apprehend that Gentlemen do not call the attention of the House to matters which they conceive are sufficiently and adequately provided for. The hon. Gentleman postponed his Motion at the request of my noble Friend; but the only inference I can draw from his notice is, that, in his opinion, the national defences were insufficient. I must say that I think, when these works had been commenced, it would have been most absurd and injudicious to put a sudden stop to them; and I find that in the present Session, when the hon. Member for Southwark (Sir W. Molesworth) proposed to abandon the works at Keyham, he was supported by only twenty-seven Gentlemen, while a large majority of the House decided that it was most expedient to proceed with those works, rather than to throw away the 200,000*l.* or 300,000*l.* which had already been expended upon them. With regard to the amount of force, we never voted so many men in the Navy as we found actually serving, and we made no increase in the Army beyond providing for the regiments sent home from India. I think we were justified by the circumstances of the country last year in refusing to make any reduction. It is true that some hon. Gentlemen are now disposed to underrate the danger which then existed. It is said that the outbreak in Ireland was only a mock insurrection. I do not think that was the general opinion at the time. No doubt, nothing is so difficult to prove as the necessity for having taken measures of prevention if they succeed. There have been in the course of a year two serious insurrections in Paris: the first was only put down at the expense of great bloodshed and slaughter, in consequence of the want of an adequate number of troops when the outbreak occurred. On a recent occasion the presence of an adequate military force immediately suppressed the attempt at an insurrection in that city; but is the energy and the foresight of the French Government to be condemned because by such precautions they put down an insurrection without bloodshed, instead of risking a repetition of the lamentable scenes which took place in 1848? As soon, however, as we found that we could reduce our military force, that reduction was made; and in the course of this year a reduction of 3,000 men in the Navy, and of 10,000 men in the Army, has taken place, and we have gone as far as, in the circumstances of this country and of Europe, we thought we were justified in going. The only arm which has been increased is the artillery, and I must say I think from our recent Indian experience that we should greatly neglect our duty if we did not maintain that branch of our force in a state of perfect efficiency. I informed the House at the end of the last Session that in the estimates for that year we had made reductions to the amount of 828,700*l.* I stated early in the present Session, that upon the estimates as they then stood, there was a reduction of 1,447,000*l.* Since that time further estimates have been laid on the table, and in the whole of them, or nearly so, there is a reduction. Now, I wish to show the House that the Government, or the Treasury, whose special duty it is, does exercise a constant and all-pervading control over the expenditure of the country, and that this supervision takes place not merely with regard to the larger but also to the smaller items of expenditure. There are in the estimates for civil services of this year 103 votes, of which 45 are less than the corresponding votes of last year, 24 are larger, 32 are the same, 2 are new votes, 10 are given up, and one is transferred to another department. There is a decrease in every class but two—classes 3 and 6; and the increase in these votes is quite beyond our control. The increase in one of those votes arises from an increase of the expenses attending the administration of justice—from an increase in the number of prosecutions, and in the charge for the transportation of convicts. In the other vote, the increase is owing to the superannuations, which have been more numerous in consequence of the reductions made in many of the public departments. Upon the whole, however, there is a diminution of expenditure. The two new votes are votes of absolute necessity—the one for repairing the Caledonian Canal, and the other for repairing Lybster Harbour in the north of Scotland, which is a great resort of the fishermen on that coast in stress of weather, and which has been nearly choked up by the effects of one of the recent storms. I will now state the whole amount of reduction in the estimates for this year. The reduction in the Navy Estimates is 718,168*l.*; in the Army Estimates, 433,914*l.*; in the Ordnance Estimates, 337,873*l.*; and in the Miscellaneous Estimates, 21,500*l.*, being a decrease altogether of 1,511,455*l.* in the course of this year; and, if that amount be added to the reduction of 828,700*l.* effected in the preceding year, it will be seen that the total reduction in the estimates for the last two years is 2,340,155*l.* I hope that even my hon. Friend behind me (Mr. Hume) will take this as a proof that we have not been unmindful of reducing the expenditure to as great an extent as we thought possible. [Mr. HUME was understood to say that his objection was to the increase.] Well, my hon. Friend will at least give us credit for the reduction. I wish also to show, not in great detail, but by an instance, that even in those items of expenditure which do not come under the cognisance of Parliament, we have not been unmindful of the principle of reduction. Early in this Session I introduced a Bill to carry into effect the largest reduction which has been made for years with respect to the expense of collecting the revenue—I allude to the Bill for consolidating the Board of Excise and the Board of Stamps and Taxes. Since a friend and namesake of mine became chairman of the Board of Stamps and Taxes, very considerable reductions have been effected in that department; and it is but just to him that I should state the reduction in the number of persons employed and in the salaries paid, since he first was employed in the public service, in the department now under his charge. They do not all apply to the present time. The paper I am about to quote is "an account showing the decrease in the number of officers and salaries of the Board of Inland Revenue, in 1849, as compared with the Boards of Excise, Stamps, and Taxes, in 1833." In

1833 the number of persons employed was 9,083, it is now 7,029, being a reduction of 2,054. The amount of salaries in 1833 was 962,266*l.*, it is now 715,092*l.*, being a decrease of 247,174*l.*, or nearly a quarter of a million of money. This statement, I may observe, does not include persons employed in the collection of the income tax, who could not be fairly included in the comparison. The Committee on the Miscellaneous Expenditure recommended that persons who had been employed in Government offices should not, if it could be avoided, be placed upon permanent retired allowances, but that their services should, when possible, be made available. Now, last year a Bill was passed abolishing the excise survey upon spirits, and the number of stations consequently discontinued was 660. At the time of the abolition there were 51 of those stations vacant, which had not been filled up, with a view to this reduction; 90 officers were superannuated, for the Government find it quite impossible to re-introduce old men to active employment, and therefore persons above 60 years of age were allowed to retire upon allowances; five offiers have died; one has been discharged; 188 have since been reappointed to other stations; and 325 are remaining to be absorbed as vacancies may occur. The whole patronage of the Government has been given up in order to carry out this plan; and I, therefore, believe that the whole of these persons will before very long be re-employed in the public service. An inquiry is proceeding with the view of carrying out every possible reduction in the Customs; and I hope that we may be able to carry on this system of reduction, which I believe not only tends to economy, but also to the efficiency of the public service. I have before stated that I have not thought it right to reduce the salaries of these officers, because I do not believe that, as a class, they are overpaid, but we have reduced the numbers; and I think the public service can be better conducted by a smaller number of well-paid officers, than by a larger number of under-paid men who are not so well qualified to discharge the duties which devolve upon them. I will only say that I can give no better assurance to the House as to the course the Government have been pursuing for some time, and in which they are determined to persevere, than the statement I have made. I cannot, of course, at this time foretel what reductions may be made in future years; for in such times as these, when no man can say what the morrow may bring forth, it would be absurd to predict what amount of force it may be necessary to keep up in subsequent years; but with regard to the expenditure which has been undertaken for the completion of works, and for the increase of stores, I can only say that when those works are completed, and when the proper amount of stores is obtained, the necessity for that expenditure will cease. I hope there is every prospect of the revenue of the country increasing, and that in subsequent years we may see such a surplus of income as will place us in a more comfortable position than I must admit we stand in at present. It is impossible not to be uneasy at so small an amount of surplus as that which I have anticipated in the course of this year. I consider that it is neither safe nor creditable that a surplus should not be permanently maintained sufficient to meet the ordinary contingencies that may occur in a country like this; and I should not think that anything but the peculiar circumstances of the time would justify us in going on with so small a surplus as I have anticipated; but so long as there is a surplus, I do not think it is necessary to impose, or to attempt to impose, any new burden upon the country for the purpose of creating a further surplus. Such a surplus, however, ought, in my opinion, to be maintained, as will, one year with another, effect a constant, even though it be a small reduction, of the national debt. I must say, therefore, to those Gentlemen who have given notice of their intention to move for the reduction or repeal of some existing taxes, that, with the present amount of surplus, I think they cannot expect me to accede to any such measures. I also wish to put another consideration before those Gentlemen who are disposed to apply any surplus which may accrue rather to the reduction of taxation than of debt—that if, as soon as we get any moderate amount of surplus, it is to be given up in repealing some small amount of taxation, we never shall be in a condition to make any of those larger changes which would be most beneficial to the country. Last year a proposal was made to reduce the duty on tea—a measure which would cause the risk of some 2,000,000*l.* of revenue. The tea duty produces nearly 5,000,000*l.* It was proposed to reduce that duty from 2*s.* and a fraction to 1*s.*; and will any hon. Gentleman contend that such a change would not involve the risk of at least 2,000,000*l.*? If the House is prepared to impose other taxes, in order to enable such an experiment to be made, well and good; but if is not so prepared, it must not throw away in the reduction of small items of taxation the nucleus of a future surplus which may be applied to more beneficial reductions. Another measure which was pressed upon the Government was the revision of the stamp duties—a step which would involve, in all probability, a loss of some 300,000*l.* or 400,000*l.*, with the risk of still further loss. We cannot attempt any such change unless we have a fair surplus to cover the changes; and therefore I tell hon. Gentlemen that if they wish those—I won't call them experiments—but if they wish those changes to take place, which experience has shown to be beneficial, and from which, in the end, I believe that no loss of revenue will ensue; it is impossible that they can take place till such a surplus exists as will justify the Chancellor of the Exchequer of the day in making these alterations of duty. I must add, that I have already shown by the statement I have made, that it is a mistake to suppose the country does not enjoy this year the advantage of a reduction in taxation, merely because no Bill is introduced for that purpose—because there are certain taxes that are diminishing year by year; and these will go on diminishing for some years more, by which time, I trust, the ordinary income of the country will have increased, and we shall be in more favourable circumstances of finance than we are in at present. The circumstances which have recently occurred, I think, fully account for the depression which has taken place. We have had famine, and we have had distress in trade—we have revolutions and war desolating a great part of Europe—and at such a time the best course evidently is to pause; to make no rash experiments; to do nothing which would disturb the ordinary course of trade, or prevent that gradual improvement which is now taking place. If we pursue that course, we shall be in better circumstances than we would otherwise be in to endure a continuance of adverse fortune; and we shall be in a better position, also, to avail ourselves of any return of prosperity with which it may please Providence to bless us. The right hon. Gentleman then laid on the table the usual vote of 3,000,000*l.* from the Consolidated Fund, to be granted for the service of Her Majesty.

MR. HUME said, he concurred with the right hon. Gentleman the Chancellor of the Exchequer that he could not take off taxes in the present state of matters; but it was against the general expenditure of the country that he raised his voice, and not without sufficient grounds. He was surprised at the manner in which the House had received the statement of the right hon. Gentleman. He had taken up his own position; he had chosen for comparison those years which suited his own purpose—the last two years—and then he turned round to hon. Members and said, will you not give credit to the Government for the reductions we have effected?—and the House cheered that statement. He gave the Government no credit for these reductions, because they had been forced into them by the pressure from the country. His complaint was that there had been a great increase in the expenditure for the two preceding years, without ground or reason. They were eternally hearing from Her Majesty's Government of the relief afforded the country from taxation, while to every man of common sense it was plain that the expenditure was increasing every year; and he charged, not only the right hon. Gentleman, but also the noble Lord at the head of the Government, with this, who told the country the other day that they ought to be satisfied with the large reduction of taxation that had taken place. He did not deny but some obnoxious taxes had been repealed, but then others were substituted in their room; and he, for one, had often stated in the House, that to no person were they more indebted for that relief from taxation than to the right hon. Baronet the Member for Tamworth, who took off eight millions of taxes which pressed upon the industry of the country, and substituted for that five millions which only pressed upon capital. The right hon. Baronet the First Lord of the Admiralty had, some time ago, moved for returns of the public expenditure from 1822 to 1847 inclusive, which were laid upon the table of the House; and he begged the attention of the House to the results which he had drawn from these returns. He would afterwards refer to the expenditure for the year 1835, for, in spite of what the right hon. Gentleman had said, he, for one, did expect to see a return to the expenditure for that year. But he wished this broad fact to be known, that during the last five years the public had been subjected to a greater amount of expenditure than in any previous five years since 1824. The five years from 1824 to 1828 inclusive, were years of very heavy taxation, and strong complaints were made at the time. The necessity of a reform in Parliament was then urged, in order to reduce the expenditure; and yet the House would be surprised when he showed them that the expenditure of the reformed Parliament had exceeded that of the unreformed. The people were now anxious to have another Reform Bill, that there might be a similar diminution of expenditure as was brought about by the first Reform Bill. Dividing the returns into periods of five years, he found the following to be the result:—

AVERAGE AMOUNT OF PUBLIC REVENUE AND EXPENDITURE IN PERIODS OF FIVE YEARS EACH, FROM 1824 TO 1848.

Average of	Ordinary revenue, after deducting drawbacks and repayments.	Total Expenditure.
1824 to 1828	£ 56,418,580	£ 55,518,648
1829 to 1833	52,634,167	51,605,627
1834 to 1838	51,075,408	50,373,984
1839 to 1843	52,404,899	55,415,054
1844 to 1848	57,001,632	56,556,176

1835 COMPARED WITH 1848.

1835...............	£50,258,286	£48,787,638
1848...............	57,227,938	58,990,736

COST OF ARMY, NAVY, AND ORDNANCE, 1824 TO 1848 INCLUSIVE.

Years.	Army.	Navy.	Ordnance.	Total of the Three.
1824 to 1828......	£ 7,709,600	£ 5,870,800	£ 1,801,000	£ 15,382,200
1829 to 1833......	6,544,200	5,206,000	1,714,000	13,465,200
1834 to 1838......	6,541,800	4,415,200	1,296,200	12,254,200
1839 to 1843......	6,366,800	6,164,400	1,896,200	14,428,000
1844 to 1848......	6,761,600	7,281,000	2,483,400	16,527,200

COMPARISON OF 1835 WITH 1848.

1835...............	£ 6,406,143	£ 4,099,430	£ 1,151,914	£ 11,657,487
1848...............	6,647,284	7,922,286	3,076,124	17,645,694

He might add, that the expense of collection was in all cases from four to five millions. So that in fact, while they were eternally told that the country had been relieved of taxation, and ought to be thankful for it, he said they ought not to be thankful at all, for they were paying more than they ever did since 1824. He complained that they had heard nothing to-day of large measures to relieve the country. It was quite true that if they persevered in keeping up, as they did now, 28,000 men for military purposes more than they did in 1835, while at the same time they increased the miscellaneous estimates, there would be no relief. But against this excessive expenditure he had always raised his voice. He blamed the House of Commons for it, and that was the reason he wanted reform. He would be candid with them, and tell them the reason why he wanted to see changes in the system of representation. It was that the present system did not produce good and economical government. That was his object; because if Parliament was only to be used as an instrument to screw money out of the people, it would be mischievous, as it only gave the people the appearance of controlling the expenditure without the reality. He thought the time was coming when this pressure upon the House would take place. He was glad to see that rents were falling — that prices were coming down — these were all good symptoms. Though he suffered from them himself, he did not care. He hailed them as aids in giving permanent relief to the country. His hon. Friend the Member for the West Riding had been blamed for proposing to return to the expenditure of 1835; but he thought the blame lay with those who resisted the proposition. It was time now for the House to make up its mind whether they would put an end to the present useless, extravagant, and uncalled-for colonial expenditure, which they might do by allowing the colonies to govern themselves, and consequently to pay their own expenses. Till that was done, he was sure that nothing would be done to the purpose. He thought, also, it was time they should be done with allusions to the state of the Continent. Was there anything in common between the Continent and this country? It was too bad, after the patient manner in which the people of England had borne their sufferings, that they should always be taunted with allusions to the Continent, or that the Government should keep up a large military force to coerce the people who had conducted themselves so well. The people of this country were quiet, because they enjoyed freedom of speech and liberty of the person, which were not enjoyed by the people on the Continent. But if there was no comparison between the people of England and the people of the Continent, why keep up a large military force to keep down the people of England? The people were as much entitled to their constitutional rights as the higher classes; and if they obtained them, he had no fear but that they might easily and safely reduce their forces to the standard of 1835, which would give a reduction equal to, if not exceeding, ten millions a year. He was as anxious as any man for the maintenance of public credit; but the best way to maintain it was by the practice of economy and relieving the burdens of the people, instead of allowing an extravagant expenditure. In private life, if a man was pressed with difficulties, he generally reduced his establishment charges, and economised in every direction until his expenditure was reduced within his means. The country was at this moment in a condition that required an analogous process, and he called upon the House to undertake it. The right hon. Baronet the Chancellor of the Exchequer had taken, he said, the future into his consideration: it was but right that he should; but in doing so he appeared to have forgotten one important point to which it was essential that attention should be called, namely, the increasing permanent burdens brought upon the revenue. By the annual paper for 1848—that for 1849 had not yet been delivered—showing all additions to the public debt by interest or loan, he found that in the last ten years there had been added, upon account of the debt, an annual charge of 836,000*l.*, exclusive of the enormous amount of taxation paid in that time. These additions ought to be jealously watched; for he was sure that if they were permitted to proceed, the time would come when they would not be endured. The right hon. Baronet had been persuaded by the hon. Gentleman the Member for West Kent to postpone the payment of the hop duties this year. That course was perhaps necessary under existing circumstances; but would it not have been much better to put down useless expenditure in public departments, and abolish the hop duties altogether. He contended that it was perfectly possible to do so, and yet maintain the efficiency of the public service. So with books from abroad. There was a desire to spread information, of which no man more approved than himself; but would the House believe that a sum of 7,000*l.* was raised by a duty upon books? The cost of the Governor of Sierra Leone and the establishment there was also 7,000*l.*, or thereabouts. Now, if they were to strike off the 7,000*l.* paid at Sierra Leone, which they might do without detriment to the public service, they would be enabled to take off this duty, which, in point of fact, was a tax upon knowledge. Ay, if the House would only support him, he would undertake to place the public credit upon a better foundation than it was at this moment, and at the same time effect reductions which would enable the House to dispense with the duties on malt, hops, windows, soap, bricks, and paper. He approved cordially of the reductions which had been effected by the consolidation of the several departments of inland revenue; but he wished to see the excise struck out altogether. This might be done, he contended, by transferring the regulations as to spirits and licenses to another department—a change that would be attended with no expense. By maintaining the excise, they were not acting fairly by the retail traders, nor towards the consumers. He prayed, too, that wheat might be kept down to 35*s.* a quarter, and then he believed he should receive the support of the landed interest in his agitation for financial reform; for he had often remarked that it was only the country Gentlemen that supported extravagance. [Sir J. TYRELL: Oh, oh!] He was sorry to have to say so; but such was the fact. Why, at the last great attempt that was made to reduce the national expenditure, by the Motion of his hon. Friend the Member for the West Riding, he took the trouble to analyse the division, to see which constituencies were for economy and which for extravagance. He found, from the analysis, that the major part of all the large and populous towns were in favour of reduction; but that, unfortunately, the country Gentlemen, who did not seem to know what was their real interest, voted the other way. He prayed, most heartily, that some means might be found of awakening them to a just sense of their real situation on this question. He prayed, most heartily, that they might be enabled to see the necessity of reduction—that the country might enjoy the advantages of peace whilst we were at peace, and not be called upon to maintain our establishments upon a war footing. When the hon. Gentleman the Member for Buckinghamshire brought forward his Motion upon the state of the nation, he (Mr. Hume) would take the opportunity of assisting the House to some details upon this subject; but he certainly would not consent to renew the duty upon corn. He was anxious to see every man in the public service well paid, but not to employ more than were wanted. Why should 150 admirals be kept up, when only 14 were wanted? Why should 350 generals be maintained, when the services of half-a-dozen only were required? He really could not see how Gentlemen could conceive they were acting an honest part in supporting a system so extravagant; but if they went on in a way so utterly reckless, it would behove the people to speak out, and, without disparagement to any individual Member, he hoped they would speak out at the next general election. Nothing that he could do to effect reduction should be wanting. But the right hon. Gentleman the Chancellor of the Exchequer held out no hope of reducing taxation a single farthing. The country might congratulate itself upon not being worse than it actually was, and that was the whole amount of the statement. He believed the right hon. Gentleman was really and sincerely desirous of economy, and that there had never been an Administration more anxious to effect reductions than the present. He could only say to them, "God speed!" Let them go on in the good work; but he hoped that primarily they would direct their attention to the cost of the Army, the Navy, the dockyards, the commissariat, the waste of materials, and the details of the colonial expenditure. He said to the House—"Do justice to your colonies, and you may spare your money." All these were questions which the Government should forthwith take up. Let them abolish the Ordnance Department by transferring its duties to the War Office, and at once 250,000*l.* a year would be saved, whilst the public service would be better performed. He appealed, with respect to the expenditure in the dockyards, to the example of the right hon. Gentleman the Member for Ripon, who when at the Admiralty reduced the expenditure in this department 1,200,000*l.*, whilst the establishments were rendered much more efficient. In suggesting these things, he (Mr. Hume) did not seek to impair, in any branch, the efficiency of the public service. He only required that unnecessary expenditure should be prevented. As to the vote itself, with which the right hon. Gentleman had concluded, he should offer no objection, it being only a matter of course; but, in closing his remarks, he must request the attention of the Government to the absolute necessity for economy and retrenchment.

Sir J. TYRELL had no intention of departing from the usual practice, by discussing the propositions of the right hon. the Chancellor of the Exchequer at any length on the present occasion. He could not, however, allow the reflections cast on the country Gentlemen by the hon. Member for Montrose to pass in silence. He had no pretensions to speak on their behalf; but if he were inclined to do so, he might charge the hon. Member with having a very short memory, or he might have remembered that the hon. Member for Oxfordshire, who did represent the country Gentlemen, made a Motion proposing very material reductions. The hon. Gentleman on that occasion acted as a decoy bird to draw away the attention of the country Gentlemen from that Motion. The hon. Member had also indulged in prophecies; but in these he placed very little reliance, for he remembered his vaticinations before the Reform Bill. The same thing was said of the free-trade measures, when the hon. Member for the West Riding was held up as a great statesman by a right hon. Baronet whom he did not see in his place. But he could assure the party of which that right hon. Baronet was the head, and who might be very easily counted, and who on the present occasion had vanished altogether—for he did not see one of its representatives present—whatever might be its present condition, the country party enjoyed far more of the confidence of the country than the party of the right hon. Baronet. He could not help remarking one omission in the statement of the Chancellor of the Exchequer. He had given them no insight whatever into the probable future condition of Ireland. One thing gave him great satisfaction, and that was to find that, notwithstanding the splendid auguries of peace indulged in by the hon. Member for the West Riding of Yorkshire, and the great draughts which he attempted to make on the credulity of the country, his sun was fast setting, They had been told of the elasticity observable in the trade of the country; but he knew that in many parts of the country great distress and difficulty prevailed in the middle and lower classes. However, the state of the country would be so thoroughly searched into in a few days, that he did not feel justified in occupying the attention of the House on the subject on the present occasion. He had been, in fact, only induced to rise by the severe and sarcastic comments which the hon. Member for Montrose—whom, however, he did not regard as a very profound philosopher or statesman—had lavished on the country Gentlemen.

MR. T. L. HODGES coincided with the view taken of the hop duties by his hon. Friend the Member for Montrose; and he could not avoid adding his assurance that, unless some means of relief were provided for the growers, no man would regret the result more than the Chancellor of the Exchequer. The duties hitherto paid had not been paid without the greatest sacrifices; and he feared that if the present demands were exacted, there would be an aggregate of distress such as had never occurred within his (Mr. Hodges') recollection, which extended into a considerable portion of the last century. He considered that for thirty years the hop duties had been a disgrace to the country. The last three crops had comparatively failed, and it was out of the power of the growers to pay the duty now owing. He regretted, under these circumstances, that his right hon. Friend the Chancellor of the Exchequer held out no prospect of relief; but he ventured to hope that he would even now come forward with some proposition for that purpose.

LORD R. GROSVENOR was exceedingly sorry that no prospect had been held out of an abolition of that most odious and unpopular tax, the annual certificate duty paid by attorneys and solicitors. [*Laughter.*] Hon. Members might laugh, but the tax was no joke to the large number of professional men, many of whom, by the continual levy of this tax, were reduced to distress. He should take an early opportunity to bring the whole question before the House, and he hoped to be enabled to make out such a case as would compel his right hon. Friend the Chancellor of the Exchequer to surrender the tax in deference to the unanimous feeling of the House and country. The right hon. Gentleman might as well do so at once with a good grace, for he repeated that the attorneys were a highly valuable, meritorious, and powerful class, and that they ought not to be subjected to such an odious tax.

MR. FREWEN confirmed what had fallen from his hon. Friend the Member for West Kent, with regard to the difficulty which would be found in providing the hop duties. He had taken the opportunity, when in Sussex, during the Whitsuntide holidays, to make inquiries into the state of the country. He had hoped to find it improving, but he found it the reverse. It was utterly impossible that the hop duties, which, he presumed, would be called for in October and November, could be paid. In the district he had the honour to represent, they amounted to 117,000*l.*; but if the Chancellor of the Exchequer insisted upon that amount being paid, the alternative would be that more than half the planters would have to be sold up, and the duties be paid by their imprisonment in gaol. Some had already been sent there in a most cruel manner. The Excise-office suspected they would not be able to pay, and therefore took proceedings against them; they had thus been sent to gaol simply from their unfortunate circumstances. He was satisfied, that if the hop duty was to be maintained, the necessary result must be an outbreak in the country, and that the produce would be absorbed by the expense of collection. He hoped the Government would take the subject into their consideration, and remove this, which really was a war tax.

MR. MACGREGOR said, that considering the state of trade in the years 1846, 1847, and 1848, and the disturbed condition of the Continent, the House ought to be gratified at the improving state of the revenue. He could not, however, anticipate any material reduction in the expenditure unless the state of Ireland improved, and they were enabled to reduce the constabulary and military establishments of that country. It was to Irish and colonial reductions they must look, in order to economise the national expenditure; but he was not so sanguine as many persons, who thought they could safely be effected at once. With reference to the abolition of duties, he desired to see every effort made to raise such a revenue from other sources as would enable Parliament to abolish the duties on hops, bricks, windows, paper, and advertisements. As to tea, he had gone carefully into a calculation of the probable consumption if the duty were lowered; and he was decidedly of opinion that if it were reduced to 1*s.*, the revenue produced by it for the next three years would not be more than 3,000,000*l.*, instead of 5,000,000*l.*, the amount derived from the present duty. He should prefer increasing the income tax to 5 per cent, and abolish the duties upon the articles he had named, and any other duties which the produce of the additional 2 per cent would include. But he feared that any such proposition, in the present temper of the House, would meet with the same fate as a similar Motion of the right hon. Gentleman in a former Session. He had heard with great satisfaction the statement of the advantages arising from a consolidation of the inland duties. He wished the same principle to be adopted with regard to the customs duties. Of all departments, the customs most required revision; and he felt much confidence that his right hon. Friend the Chancellor of the Exchequer would undertake it.

Mr. COWAN said, the statement of the right hon. Baronet convinced him that the resources of the country, if rightly administered, were amply sufficient to meet all the engagements required by the national interest and the national honour. He hoped the career of economy in which the Government had embarked, would be prosecuted to a still further extent. At the same time, after having heard the right hon. Gentleman's reference to the success which had attended a reduction of duty upon several articles of consumption, he was surprised that no others were promised. He would take the tea duties as an example. It was said the subject could not be entertained upon financial grounds. But if there was one tax which pressed upon the poor more unjustly than another, it was that upon tea, for, owing to its being equal upon all qualities, the poor man paid it in a larger proportion than the rich consumer. He trusted, that at an early period there would be a general revision of taxation, keeping in view, at the same time, the necessity of maintaining faith with the public creditor. He would never consent to be a party to any reduction that would in any degree weaken the claims of the public creditor, nor unless the engagements of the country could be honourably and faithfully fulfilled. He implored the Government, however, to take the excise duties generally into their consideration. They pressed heavily upon industry, whilst they confined trade within the narrowest possible limits. On all grounds, he hoped they would emancipate business from these fetters, for, so long as they remained, free trade could not be carried out.

Mr. EWART observed, that the Chancellor of the Exchequer could not reasonably be expected to propose any reduction of duties without having first taken into consideration the means at his disposal for supporting the credit of the country. Neither the attorneys and solicitors' certificate duty, nor the advertisement duty, could be repealed unless there was a clear surplus. He agreed most cordially with his hon. Friend the Member for Edinburgh, that the principles of free trade could scarcely be said to be carried until the excise laws had been swept away. He agreed also with the hon. Member for Edinburgh as to the propriety of a reduction of the excise duties. There were only two ways, however, in which that could be brought about, and that was either by a reduction of the expenditure, as advocated by the hon. Member for Montrose, and by the hon. Member for the West Riding, or by an alteration in our whole system of taxation, which he was in hopes would some time or other take place. He firmly believed that reduction of expenditure might be carried much further than it had been; and when that was effected, the country might look forward to a reduction of taxation. He was one of those who had always had a great respect for the country Gentlemen of that House; but he must say, from sad experience, that there were two points which were peculiarly their forte—war and taxation. He regretted this the more, because they were told that the natural guardians of the public purse were the country Gentlemen; and he did not altogether abandon the hope that a time would come when the country Gentlemen would justify what had been said of them by the great economist, Adam Smith, and vote against war. He coincided, however, in the opinion expressed by his hon. Friend the Member for Montrose, who thought that nothing but the severe lesson of necessity, which would come upon them in the shape of low prices, would teach them to check the expenditure. Till then he feared that they would continue to support by their votes a high rate of expenditure, and not vindicate the character which had been given of them. He hoped the Government would be prepared next year with an increased reduction of expenditure, which alone could satisfy the wishes and exigencies of the country.

MR. DRUMMOND wished that the custom of making general charges against whole classes of individuals were less frequently adopted; but as far as his observation had gone, he was prepared to show that on every question that was debated in that House, the country Gentlemen were greater masters of the details of those questions than any Gentlemen on the opposite side of the House. If he were only to take one instance, he would point to the statement made by his hon. Friend and relative the Member for Droitwich, on the question of county rates the other day. It was scarcely necessary, after the opinion which he had expressed on the question of taxation lately, to say that the statement of the right hon. Gentleman the Chancellor of the Exchequer was not likely to satisfy him (Mr. Drummond); not that there was anything that was not to be praised in that statement, but it did not go to the root of this question. He would unite with the hon. Member for Montrose in any assertion of any general principle which he pleased; but he would not unite with any one in that House to praise any Administration which might have to carry into effect the details. He thought the right hon. Gentleman quite right in declining to make any promise with respect to the reduction of duties which produced small amounts to the revenue, because such reductions would be ineffectual. The taxes which ought in the first instance to be repealed, were those which pressed exclusively on the poor. The hop duty had been suggested as a fit subject for repeal; and he wished to impress upon hon. Gentlemen opposite, that in this country and this climate home-brewed beer was one of the first necessaries of life for the poor man. He was very sorry that the Government would not undertake this question. He entertained the deepest conviction that unless they did, the Ledru Rollins and Proudhons of this country would induce the poor to demand not only that, but a great deal more.

MR. MILNER GIBSON thought that his hon. Friend the Member for Dumfries was quite justified in appealing to the country Gentlemen, seeing how great was their social position and influence in the country. They could certainly give effective aid in causing reduction in our expenditure, if they cho se to exercise their political power in that direction. He feared that they were not properly alive to their own position. There could be no doubt but that if they did take the economical course, they would strengthen their political influence in the country. At present the country Gentlemen were much divided, so that if gentlemen wished just now to get any of their friends into Parliament, they would not find it quite so easy a matter as formerly. The farmers were less docile than formerly; but a move on the part of the proprietors in the direction of economy would restore confidence, and thus the political influence of Gentlemen opposite would be renewed. With regard to the speech of the right hon. Gentleman the Chancellor of the Exchequer, he, like the hon. Member for Edinburgh, not expecting much, was not disappointed. The Government would not get much credit for economy, so long as they required the tax-gatherer to call on the taxpayer for the same amount of money as before. Of what use was it to tell the taxpayer of the great economy practised by Government, and that certain docks which ought never to have been begun, are to be finished at a more remote period than was first intended; or what satisfaction would it be to the taxpayer to hear of the admission that unfortunate mistakes had been made in their construction, if, after all, the tax-gatherer came to his door for as heavy an amount as ever? Therefore, until his right hon. Friend the Chancellor of the Exchequer could effect such reform as would enable him to do with less income, and to make smaller demands on the taxpayer, he would not get much credit with the public for economy. Now, with regard to free trade, he (Mr. Gibson) considered that a fitting occasion to say, that he thought the Government deserved great credit for the firm and successful manner in which they had carried the repeal of the navigation laws. He thought that a fitting occasion to allude to the point, and although he did not wish to treat the subject with any levity, he could not help observing that the protectionist party had been in some degree instrumental to the success of the measure, from the attitude they had assumed; for it was the fear that a Government might be formed of their party that had induced a reluctant House of Lords to agree to the repeal. But he did not think that this detracted in the least from the merit of the Government in having made the measure a Cabinet question, and announced their intention to stand or fall with it. He would not, however, have the Government repose too long on the laurels they had gained by the repeal of the navigation laws. There were a number of commercial reforms to be accomplished, and anomalies in the tariff to be got rid of. The latter was still burdened with a variety of small articles yielding little or no revenue, but the duties on which tended very much to embarrass trade. He thought that before another Session Government should undertake and carry out the revision of those items. One word as to the excise duties, to which allusion had been made by his hon. Friend the Member for Edinburgh. He (Mr. Gibson) thought that, although it might be true that you could not reduce taxation without first reducing expenditure, yet there were more ways than one of reducing expenditure. One was that of the late Sir Henry Parnell, which was, if Parliament were satisfied that the expenditure was greater than necessary to support with efficiency the public establishments, to withhold income in a proportionate degree—to vote the reduction of taxation—in short, to make the Government do with less. Now, there were no taxes of which he was more willing to vote the repeal than some of the excise duties. He took the excise duty on paper, which had been alluded to by his hon. Friend the Member for Edinburgh. First, in a commercial point of view. The customs duty on books, alluded to by the hon. Member for Montrose, could not be touched unless you first dealt with the excise duty on paper. He had no doubt but that that duty had a most prejudicial effect on the export of English books. Then, as regarded manufactures: one view of the effects of the excise duty on paper might be taken in its effect on the card paper used in making patterns for the jacquared looms. Before the Committee on Schools of Design, there was one witness examined who stated that he had paid in duty on cards for two patterns no less a sum than 48*l.* The witness mentioned these as extreme cases, saying that the duty on such patterns generally varied from 1*l.* to 8*l.*; but here were two extreme cases in which the excise duty on the cards came to 48*l.* It appeared, then, that the effect of the excise duty on paper was to place the British manufacturer at a great disadvantage as compared with his foreign competitor. The French manufacturer paid no excise duty on his cards, thus placing his British competitor in the markets of the world in very unfavourable circumstances. But there were other questions connected with the taxes on paper which it would be most peculiarly appropriate for them to urge upon the Government of the noble Lord. The noble Lord's Government, the heads of the Whig party, had always been distinguished by their repudiation of taxes on knowledge, Now, the Messrs. Chambers of Edinburgh had presented a petition to that House, showing that the excise duties on paper had caused them to discontinue a work intended for the humbler classes, of which there was then a circulation of 80,000. Here was a most important means for the diffusion of knowledge suddenly checked. Therefore he said, that both in a commercial point of view, and as affecting the diffusion of knowledge, there were no taxes which it would give him more satisfaction to repeal than the duty on paper. The advertisement duty was part of the same subject, and ought to be repealed; but he looked upon one matter as perhaps the most important of all in connexion with the diffusion of knowledge, and that was the penny stamp upon newspapers. This tax was reduced some time since; it ought to have been abolished. Let his right hon. Friend then repeal the excise duty on paper, the newspaper stamp, and the advertisement duty, which were all parts of the same question of taxes on knowledge; and he would have taken a course quite in accordance with the old professions of the Whig party, and one which he was sure would establish the Government in the confidence of the country. The stamp upon newspapers had been brought forward some years before by Mr. Chadwick and other Gentlemen, but it never was settled. The duty was reduced after much discussion; but all the arguments were for its entire repeal. It operated most undoubtedly to prevent the public from having a good cheap press, and was thus instrumental in preventing the diffusion of useful knowledge among the working classes. These taxes were well worthy the consideration of the Government; and he did hope that if the income, which he believed would increase, should show a surplus, it would not be seized and expended in the increase of our fighting establishments, but in the promotion of these useful and humanising purposes. Income was never parted with by

Government, except in consequence of pressure and watchfulness on the part of the people. Income flowing spontaneously into the Exchequer was never spontaneously given up, and, therefore, he wished to impress upon the House that if there should be a surplus, they ought not to permit of its being appropriated to the increase of our fighting establishments. He had the most perfect confidence that the expenses of those establishments might be reduced. He had testified to that conviction by his votes in the House so often that it was not necessary then to dwell longer on the subject. He thought it most satisfactory to contemplate the great success which had attended the commercial policy of the right hon. Baronet the Member for Tamworth. If ever there was a policy capable of proof by mathematical demonstration to be successful, both as to its effects on revenue and on trade, it was that commercial policy which the right hon. Baronet had commenced so boldly, and carried out so vigorously from 1824 to 1847. It was that policy which his right hon. Friend the Chancellor of the Exchequer must carry out. He hoped, also, that the Whig party would take up their old ground, removing the taxes on knowledge, as the right hon. Baronet had remitted those on food, for knowledge was next to food. He believed, from accounts he had received from the northern districts, that trade might be considered to be in a more satisfactory condition than it had been some time since. No doubt there were difficulties yet to be contended with. It had been said that the home trade was not as good as might be wished; but its state might be accounted for by the famine in Ireland, and the partial failure of the crops. But it was difficult to estimate statistically the consumption within the British dominions. They might not be in a position to say what the increase or decrease in the home trade had been. There might have been intervals of depression; but he believed, upon the whole, as far as the labouring classes were concerned—he spoke more especially of those of the north of England—they never were in a better position than at present; that the wages of labour never before commanded so large a proportion of the necessaries and comforts of life. To place within the reach of the labouring classes a larger amount of the necessaries and comforts of life, was one great object which the advocates of the free-trade policy had in view; that object had been in some degree attained. He did not mean to say that they might not still further improve the condition of the labouring classes, and that there was not much to be done; but what he did say was, that the commercial policy which had been pursued, had in this respect been successful to no small extent.

MR. STAFFORD said, that as the country Gentlemen had been so often alluded to by hon. Members from the other side of the House, he thought it but fair that a Member on their side should be allowed to contribute his quota of information upon the subject that had been drawn into the discussion of this evening. The hon. Member for Montrose charged the country Gentlemen with an entire forgetfulness of their own interest; and the right hon. Member for Manchester, who was once attached to that party, said that if they were all united, their interest in the country would be much greater than it really was. The right hon. Gentleman said that they were a divided body. He (Mr. Stafford) did not exactly know what the right hon. Member meant; but upon general subjects of political economy he would appeal to the votes given in that House as to whether they were a divided body or not. If the right hon. Member meant that their interest would be increased by the advocacy of those political opinions which he entertained, he would refer him to what had taken place in the recent county elections as his answer to such a statement. There never was a greater mistake made than to represent the opinions of the farmers to be such as the right hon. Gentleman appeared to suppose. Any person that had watched the proceedings that took place at the late Hampshire election, must know that the feelings expressed by the county Members here, were not only sympathised with by the farmers, but were exaggerated outside of this House. Let them take any county election during the present Session, and they would find sufficient evidence to show that the farmers were still more in favour of protection, or of what the right hon. Member called the retrospective policy of the country. The right hon. Member said, that the labourers in the north of England were very well employed, and that their wages were good. He (Mr. Stafford) had only to say, that in reference to that district in England with which he was connected, no such flattering tale could be told. They did not consider that the experiment at present in course of trial had succeeded. He had listened assiduously to every Gentleman who had risen on the opposite side of the House, but he had not heard one say that the system of free trade had been carried out as yet. The right hon. Gentleman eulogised the Government for repealing the navigation laws, and also praised the right hon. Baronet the Member for Tamworth—who with his party, he regretted to see, were absent—for what he had done; but he said that greater experiments must be tried in free-trade legislation. The farmers in the midland and the southern districts, at all events, hailed with no satisfaction the progress of this experiment; and they said that the experience of the past offered very little guarantee for the success of the future. The right hon. Member for Manchester said, that the excise duties ought to be removed, in order consistently to carry out this free-trade experiment. The country party, however, said that the heavy amount of taxation in this country prevented them carrying out their free-trade system. When hon. Members opposite were obliged to make the admissions which they had heard, they stood self-condemned upon their own statements. The advocates for free trade, in recommending that the duty should be taken off paper, so as to encourage the diffusion of knowledge, which they said was only second in importance to the duties upon food, appeared to forget that there were still protection duties upon certain articles of food, the abolition of which not one of this party had raised his voice in favour of—he alluded to the duties upon butter and cheese. Sssion after Session passed, leaving these duties still untouched. He would tell them why; because they knew that the revenue derived from these articles could not be spared. And what hon. Members opposite said of those duties to which he alluded, his party said of the duties that they had already repealed. They could not carry out consistently their free-trade principles, and maintain faith with the national creditor. It had been said that the present high rate of wages enabled the labouring population of this country to obtain a greater supply of food. He would, however, remind them of one part of the kingdom to which no allusion had been made when speaking upon this subject, where there existed the lowest rate of wages and the lowest price of food; yet there, where the life of a man could be maintained at the cheapest rate, was the greatest misery, suffering, and starvation. Cheap food was not the only question concerning the prosperity of the poor man. Of what advantage was it to the poor man that food should be cheap, if men despaired of the means of purchasing it at any price? The farmers might yet be induced by their necessities to unite together for purposes it would be difficult to dissuade them from. They felt that their distress had been brought upon them by means repugnant to their honest and straightforward character. It was more than could be expected that they would preserve that strong attachment to the institutions of the country by which they had been hitherto so strongly distinguished. He agreed with hon. Members opposite in thinking that free trade had much farther to go. The country Gentlemen of England had hitherto struggled more to support the national defences of the country than aristocratic institutions and public wealth. The time, however, might come when they would find themselves placed in much difficulty by the policy that had been recently pursued. There was an agitation going on for the repeal of the malt tax. He believed that the hon. Member for the West Riding of Yorkshire had pledged himself to assist in the removal of that impost. He (Mr. Stafford) knew not whether the amount of thankfulness and gratitude received was sufficient to induce him to persevere; but the farmers of England, finding themselves deprived of all protection, would be slow to support those aristocratic institutions which they had heretofore so ardently desired to maintain. But this state of things would no doubt suit the democratic policy of the hon. Member for the West Riding. Finding themselves thus betrayed and deserted, they may be induced to lend themselves to the phantasies and fallacies of the day, and thereby place the institutions of the country in great jeopardy.

Mr. COBDEN did not intend to be seduced into any discussion on the questions referred to by the hon. Gentleman the Member for Northamptonshire; he would merely observe, that he considered the experience of every day justified the views he entertained as to free trade in corn. He should not waste the time of the House by going out of his way to talk on the subject, but was content to leave it to time, and to abide by that test, as to the result of what the hon. Gentleman still was pleased to call an experiment. But when the hon.

Gentleman told them that the farmers were the especially loyal class, and that they were now becoming democratic in their views, and that the institutions of the country were not safe in their hands, he must take leave to deny that they were the exclusively loyal class. He contended that there was as much loyalty and rational respect for established institutions amongst the shopkeepers and the middle classes of London and other large towns as amongst the farmers. With regard to the malt tax, he had made no profession to the farmers on that subject. What he had said was, that he would vote for its repeal along with other taxes which he thought were unsound in principle. Unless they reduced the public expenditure or increased direct taxation, he did not mean to hold it out that it would be possible to reduce the malt tax. But he had spoken of the necessity of reducing the excise duties, not for the purpose merely of decreasing the burdens of taxation, but for removing the impediments which they offered to the industry of the country. He believed they had discussed that night the way in which the revenue was derived, and the injury which the present process of taxation inflicted on the trade and industry of the country. The hon. Member for Northamptonshire referred to the malt tax. Now he (Mr. Cobden) had received communications from the counties of Sussex and Kent, asking him to bring forward a Motion to repeal both the malt and the hop duties. The hopgrowers represented to him that they were subjected to all kinds of natural calamities in the pursuit of their business. They had to contend with the blight, the fly, the flea, the mildew, the honey-dew, and a variety of other diseases to which the hop plant was liable; but they said that all these were nothing as compared with the evil of the excise duty, which was a periodical blight overrunning the whole district. Here was a beggarly 250,000*l.* to produce which the evil influence of the excise regulations was spread over four or five counties to such an extent, that they were told by the hon. Member for Sussex, that if it were persisted in they might expect an outbreak in the country. Here was a proof of the prejudicial influence of these excise duties on the industry of the country. Then the paper duty had been referred to; but the hon. Member for Edinburgh being connected with that trade, considered it might not be proper that he should detail all the grievances which the excise duty, and the vexatious regulations which were adopted for levying it, imposed. The manufacturers generally said that they found those regulations a far greater burden than the amount of money they were called upon to pay. See how these regulations interposed in the changes which arose from time to time in the carrying out of a man's business. Lately there had been a change in the postage, which had occasioned a very extensive manufacture of envelopes. Would any one believe, who had not heard it from a practical man, as he (Mr. Cobden) had, that, by the regulations of the excise, a paper manufacturer might cut out the envelopes, but was not permitted to fold them on his premises? Then look at the time regulations and the unnecessary impediments they imposed on the manufacturer. You must leave the paper on the premises twenty-four hours before it can be removed, and this twenty-four hours often amounted to forty-eight. Now in these days, when business was carried on with an expedition unknown to their forefathers, such regulations amounted to far greater impediments than ever were contemplated when they were first framed, perhaps a century or two ago. The increased facilities of movement resulting from the introduction of new powers, did not admit of such impediments. Why, it was like putting a toll-bar across a railway. The increased activity and speed with which manufactures were conducted—the vast number of transactions as compared with the course of trade in former times—rendered these impediments quite insupportable; and the Chancellor of the Exchequer must make up his mind that he would have to endure a pressure for the removal of these obnoxious and almost unendurable taxes, which he would not be able long to resist; and he must make up his mind either for a large reduction of expenditure, or to make up the deficiency by direct taxation. At the commencement of the Session he had named several articles on which he thought the duties should be abolished, every one of which had been alluded to since in this House. Tea was one of those articles, and this was a difficulty which the Government must meet. The Liverpool people had adverted to this subject; and when they found they could not succeed because of the state of the revenue, they converted their agitation for a reduction of the tea duties into a Financial Reform Association. But they were as anxious for a reduction of the tea duties as ever. There was another duty which had not been referred to during the present discussion, with regard to which some change must also be made; that was the duty on timber. Having repealed the navigation laws, the Government must be prepared to meet the agitation which would follow for the repeal of that duty. They were not statesmen if they were not prepared to meet that demand. The question was, how were they to do it? It could be done only by reducing the public expenditure, or by increasing direct taxation. There was no other way in which it could be done. He did not think that the country would be satisfied with the Chancellor of the Exchequer's budget on this occasion. He had, however, made a step in the right direction. The right hon. Gentleman did not propose to spend more than he was to receive; but then he did not propose to spend less. True, there was an estimated surplus of 150,000*l.*, or something like it; but there would, in all probability, be an excess in the expenditure for the Army and Navy over the estimates, as there had been last year, and then the surplus might turn out a deficiency. But what he contended was, that they were spending too much money. He compared the estimates for the ensuing year with those of the Duke of Wellington's Government in 1830—the last year of the boroughmongers—and he found it was 5,500,000*l.* more. And let them remember that the Duke of Wellington and his Government were upset by the Whigs on a Motion brought forward by Sir Henry Parnell, on account of their extravagance. They had since had the Reform Bill, and it had resulted in their spending 5½ millions more for governing the country, than it had cost under a boroughmongering Parliament. He did not mean to say that the Reform Bill had not done good. It had done good, but it had not produced so much economy and retrenchment as they had a right to expect. The right hon. Gentleman must not suppose that the country was satisfied with the present state of things. He believed there would be more pressure upon the Government for economy before another Session, than ever there was before. He believed many Members for counties were now for economy and retrenchment, and would be found next Session voting with his hon. Friend the Member for Montrose for carrying out a more rigid system of economy than had yet been attempted. He hoped the Chancellor of the Exchequer would prepare himself for that result, and that during the recess he would see the necessity of preparing another and better budget; and, if so, if he would only make sufficient reductions in the expenditure of the next year, at all events he might calculate on the support of the constituency of the West Riding.

MR. HEYWORTH said, it had afforded him great pleasure to hear the turn the debate had taken, because he, like many other hon. Members, was strongly in favour of the removal of the customs and excise duties. He was sure the protectionists would admit that an enormous amount of pauperism existed in the country, that this pauperism could only be relieved by cheapness, and that things could not be cheap unless customs and excise duties on articles of consumption were abolished. He was in no way interested himself in the import or export of these articles; but he felt for the sufferings of his fellow-men, and he believed that if equal advantages were afforded to all classes of the people, landed property would be increased some thousands per cent. He wished to see prosperity of trade, and he was sincerely anxious to promote any measures which would produce that desirable result.

MR. G. SANDARS rose to make a remark on the statement of the right hon. Gentleman the Chancellor of the Exchequer, "that our revenue had suffered from the unfortunate state of affairs in the north of Europe." He could bear testimony to that fact, as he was well aware of the falling-off in the trade of Lancashire and Yorkshire, in consequence of the blockade of the German ports; also of the distress which it had produced in some parts of Yorkshire, particularly in the port of Hull, where some thousands of hands were thrown out of employ, and the trade of that port almost paralysed. But was not the Government to blame in some measure for this state of things? Had they carried out the treaty of 1720

—"guaranteeing to Denmark the Duchy of Schleswig, and defending it against all and every one who may endeavour to disturb it either directly or indirectly"—

he believed the present unfortunate war would not have taken place. It was also the duty of Her Majesty's Government to see that the blockade was an effective one, and that equal privileges were granted to us as to other neutral Powers. He had given notice of a Motion on that question, and if he obtained an opportunity of bringing it forward he would be able to show to the House that the blockade was not an effective one, according to the law of nations, and that we were not in consequence bound to obey it. He had documents to prove this; also that the ships and commerce of foreign nations had in numerous instances a preference over the ships and trade of this country. It was the duty of our Government to protect the trade and shipping of this country, and not allow a repetition of the treatment we had of late been subject to. Indignity, if not insult, had been offered to the flag of this country; indeed, the feeling was strong throughout Europe that England dared not assert her rights; that she was bound over to keep the peace; that if you kicked her she dared not kick again. He was as much a friend of peace as the hon. Member for the West Riding, and had as great an abhorrence of war; yet he would not submit to the sacrifice of our trade and commerce, and to attacks upon our honour and dignity as a nation, even for the sake of securing the blessings of peace. Before he sat down, he would make one other observation. The right hon. Gentleman the Chancellor of the Exchequer had told them that the sum received into the national exchequer for duties on corn the last financial year was 950,000*l.* He remembered assuring the right hon. Gentleman that it would amount to near a million. At the time he was incredulous, and said he hoped he might get it. He had got it, and it was to be regretted he would not get it in future. The right hon. Gentleman said, that he expected the 1*s.* duty would bring in 250,000*l.* per annum; if so, a fixed duty of 5*s.* would bring in 1,250,000*l.* per annum, and this would, except in years of scarcity, come out of the pocket of the foreign grower, and would not enhance the price of corn to the consumers of this country.

Mr. COBDEN said, he should not have made a single remark if the speech they had just heard had emanated from a county Member; but he could not forbear observing that his hon. Friend the Member who had just spoken, was not sent to that House by the people of Wakefield to propose a tax upon bread. He (Mr. Cobden) was rather astonished to hear a proposition of that kind come from such a quarter. The hon. Member had proposed a tax of 5*s.* on foreign wheat, and he had admitted that, if imposed, the foreigner would pay it. Now, the hon. Gentleman dealt in corn, and he (Mr. Cobden) would take the liberty of putting a case to him. Suppose he had a thousand quarters of corn arrived at Hull, from Dantzic, and that there was a duty of 5*s.* upon it; would he sell that corn to the English consumer for the same price if it were on shore as if it were afloat? Would he not sell it at so much less afloat?—and, if on shore, would he not say to the consumer, "You must pay the 5*s.* duty additional?" How then could he, himself a corn-merchant, get up in that House and allege that a duty paid on the importation of a foreign article was not paid by the consumer but by the foreigner?

Mr. G. SANDARS said: Sir, I should not have risen again but to repel the unfair attack made upon me by the hon. Member for Yorkshire; and I tell the hon. Member that I was not pledged to support free trade; and that I am as independent as to my conduct in this House as the hon. Gentleman, and as free to support such measures as I believe in my conscience to be right, irrespective of party. The hon. Gentleman says that I promised to support free trade. Sir, what I said was, that as free trade had received the sanction of Parliament, I should give it a full and fair trial. I have said nothing inconsistent with this. I do regret that for the purposes of revenue, not protection, we have not a duty to bring us in upwards of one million per annum. The hon. Member for the West Riding has put an hypothetical case to prove that I am wrong in the assertion I have made, "that a duty of 4*s.* to 5*s.* comes out of the pocket of the foreigner." Sir, I deal not with hypothesis, but with facts; and I tell him that when the duty is reduced the price rises abroad, and when it is increased the price declines abroad. Thus in March last year, when the duty was restored, it suddenly rose to 7*s.* per quarter; the price on the Continent declined equally, so as to meet the prices in our market, which were little affected by the advance of duty; and this, Sir, is the usual case, except in years of scarcity; then the price of corn abroad governs ours, and not ours theirs.

Mr. ELLIS was happy to inform the House that the manufacturers of the town of Leicester were at present well employed. There was not one man willing to work there who could not find employment. The operatives were cheerful and happy, and the inhabitants generally were enjoying comfort. Being one of the magistrates of the borough, he could recollect the time when there were not less than thirty prisoners to be tried at the sessions; twenty or thirty was the average, but at the last sessions there were only four for trial. He might also state that whatever might be said about free trade, no ill effects from that measure had been felt at Leicester; and that when provisions were low in that town, wages, instead of being low also, had a tendency to advance. In fact, since the year 1836 trade was never better in the town he had the honour to represent than it was at present; and he had no doubt it would continue brisk so long as Yorkshire and Lancashire were prosperous and provisions were cheap.

Mr. HARRIS said, he could speak from personal observation of the improved condition of the population of the town which he had the honour to represent (Leicester). He was happy to be able to state that since the year 1833 trade had not been in a better condition than it was during the present season; and he was further rejoiced to add, that the borough which he had the honour to represent contained a contented and thriving population.

Mr. PLUMPTRE was very glad to learn that the constituents of the hon. Member who last addressed the House were happy, contented, and prosperous. It was well for him then to be able to make such a statement; but it was very much to be apprehended that some time hence he could offer to the House no such pleasing picture of the condition of the people whom he represented. As regarded agriculture, he feared that matters were very bad, and that they were likely to become much worse. Not very long since a large number of ablebodied men came to him at his residence in the country, stating that they were without employment and without bread for their families; and there could be no doubt that they and the country generally attributed such an intense degree of distress to the operation of free-trade principles, to which the hon. Member for the West Riding imputed such marvellous good effects. If, as the hon. Member boasted, he gave cheap bread to many persons, it should be remembered that he put many persons out of bread, and amongst that number were those who came to his (Mr. Plumptre's) house lately, stating their unhappy case. They were from sixty to seventy in number, and being fathers of families might be said to represent a large population, all of whom were in the utmost distress; and in the midst of that state of things the hon. Member for the West Riding talked as if he alone knew what was right and fitting for the Government and the Legislature to do—always using towards them the language of dictation. "You must do this, and you shall do the other;" and he went on as if he intended to "lead them all by the nose." Now, he should take the liberty of telling the hon. Gentleman that he would not be led by the nose, nor did he believe that the country would submit to any such language; such a style of address was wholly unbecoming a free and independent assembly. The opinions of the hon. Member were not the opinions of the House; and though that Gentleman might think that "wisdom would die with him," yet that was not the opinion either of the House or of the country.

Mr. HUME rose to observe, that his hon. Friend the Member for the West Riding had never shown any disposition to dictate to the House or to any individual Member. The Member for the West Riding did not object to the Member for Wakefield expressing any opinion which he might happen to entertain, but merely expressed a difference of opinion from him, at the same time expressing some surprise that a Gentleman who represented a populous borough should utter a word in favour of a *5s.* duty on corn.

The resolution was then agreed to, the House resumed, and the report was ordered to be received on Monday.

TRANSPORTATION FOR TREASON (IRELAND) BILL.

On the Motion that the House go into Committee on this Bill,

Mr. MOORE rose and said, had he felt satisfied that the question before the House, as he understood it, had been fairly, fully, and distinctly stated by any one hon. Member who addressed it during the previous stages of the Bill, he should not have troubled them with the remarks that he was about to make. It struck him that in the midst of the prejudices and passions which unfortunately surrounded this subject, the real merits of the question had been but imperfectly attended to. The real question appeared to him to be this — whether that House of Commons, which had just recorded its liberal assent to the compensation of rebels on the other side of the Atlantic, for losses which they had sustained in consequence of their own rebellious proceedings, should now with the same breath proceed to pass a law in order to inflict on rebels on this side of the Atlantic a punishment which the law of the land, as it stood at present, did not permit them to inflict? He was aware that hon. and learned Gentlemen had stated it as their opinion that the law in its present shape did enable the Crown to commute sentence of death for high treason in Ireland to transportation; but he took the liberty of saying, that the arguments in support of that opinion were utterly illogical and irrelevant to the subject before the House. In considering the question, the House was bound to assume that the existing law did not confer upon the Crown the power of commuting the sentence upon Mr. Smith O'Brien and his unhappy associates. Mr. Smith O'Brien had been convicted and sentenced to pains and penalties; and it did so happen that—speaking not in a legal or quibbling, but in a matter-of-fact English sense—under all the circumstances of the case it was utterly impossible that the extreme penalty of the law could be inflicted on him. The sense of the people of England, of the civilised world, and of progressive civilisation, was against that infliction—and what alternative remained? Imprisonment for life. The preamble of this Bill stated what was false in fact as well as in law. It stated that doubts had arisen as to the power of the Crown to mitigate the punishment of parties convicted of high treason in Ireland. He did not believe that there was a doubt of any such kind in the mind of any lawyer. All lawyers, he believed, admitted that where punishment of death was remitted, the Crown had the power of inflicting imprisonment for life. It was an utter perversion of the fact to assert that the object of this Bill was to substitute a lighter for a heavier punishment: its object was in fact directly the reverse. The hon. and learned Member for Sheffield had quoted the case of Cuffey and others who had been found guilty, as he stated, of offences not more flagrant than those brought home to Mr. Smith O'Brien; and yet the humble English malefactor was transported for life, whilst the Irish gentleman was only to be imprisoned. He (Mr. Moore) cordially concurred in the sentiment of the hon. and learned Gentleman; and he believed he might add that such an injustice would be an anomaly in the operation of our present laws. But did the hon. and learned Gentleman mean to assert that an *ex post facto* law like the present had been brought forward to inflict additional punishment upon the English offenders? It had not been the custom of that House to treat English offenders in that way, and he hoped that in the present instance the Legislature would not, for the sake of punishing Irish offenders, establish a new precedent. When the hon. and learned Gentleman talked of equal punishment for equal treason, could he see no further west than the land lying at the other side of the Irish Channel? Was his vision so limited that he could see nothing beyond the Atlantic? Had he forgotten the speech which he made the other night on the Canadian question? He (Mr. Moore) hoped that the House would, by their vote on this question, disprove the assertion that England crouched before those who were in a position to demand their rights, but pressed most heavily on the weak and fallen.

The House then resolved itself into Committee upon the Bill; Mr. Bernal in the chair.

The preamble was postponed.

On Clause 1,

MR. C. ANSTEY rose to move some Amendments, of which he had given notice. After the division which had taken place on the principle of the Bill, when so few Irish Members were found in the minority, he was unwilling, he said, to forfeit his position in that House by a further opposition to it. But he must remark that on this, as on every other occasion, the Irish Members had shown a deplorable want, not only of unity of purpose and sincerity of principle, but of that quality which Englishmen so well understood and prized, and which he would designate by the homely appellation of "pluck." To the decision of the House, however, he would bow; and all that remained for him to do was to endeavour to mitigate the severity of the measure, and to remove some, not all, for that was impossible, of the objections which he entertained to it, and to vote against the third reading of the Bill, whether his Amendments were agreed to or not. The preamble having been postponed, he proposed to leave out the words "declared and," which would take away from the Bill its declaratory character, and make it simply an enactment. Suppose it had been the case of an Englishman, or a Chartist, the House would never have heard the last of it, even from the great Reform party, who were always either absent from divisions of this kind, or present to swell the Ministerial majority. This Bill went to inflict a punishment which those to whom it applied declared to be worse than death, and which was so represented by the inhabitants of penal settlements, corroborated by the official statements of Government officers. With singular inconsistency, Ministers now called on the House to sanction this disgraceful punishment, by inflicting it on these unhappy Irishmen. By making this a declaratory Act, they sought to get rid of the enormity of the proceeding; but a declaratory Act could only be constitutional where it was demanded by a great and overwhelming necessity, or where doubts really existed in the minds of the Judges as to the construction of the law. This was no such case; but here Parliament was called on to interfere to prevent the courts of justice from declaring the law. It was said, this was to save a man from being hanged; he declared that they could not hang him; the legal difficulties would prevent that. If he were hanged, it would but carry out the sentence of the legal tribunal; and sooner than have it commuted in the way proposed, the prisoner asked to have the hard and bloody sentence executed. Government knew that if Mr. Smith O'Brien were placed on board a convict ship, the next day he would be brought to the bar of the courts in Dublin; and he doubted not the Judges were prepared to do their duty. He was proud that Mr. Smith O'Brien had acted in the independent manner he had done; he had always been proud of his friendship. The declaratory words in the Bill were introduced to cover a false purpose; and he should persist in his Amendment, because he wished to show the Bill to be what it really was, a novel enactment. It belonged to the same category of measures as the Bill of pains and penalties which the Whigs passed against Lord Stafford in 1642—as that which they had passed in the following reign—and a long catalogue of similar measures. It might be said that the doctrine of expediency warranted the transportation of Mr. Smith O'Brien, as a warning to those more sincere than discreet in their agitation. Had he imitated other agitators, he would not have fallen into this lamentable folly and guilt, nor would he have incurred the displeasure of the Minister. So desperate was the position to which this Bill would reduce the convicts, that he could not refrain from wishing his friend a speedy death, if the measure were carried. He appealed to all who had been acquainted with these unfortunate men in better days, if the Bill would not be tantamount to a sentence upon them either of lunacy or death. He would not undertake that Mr. Smith O'Brien would be alive, or in his right mind, at the end of a week after he was consigned to another custody by this Bill. He had not petitioned that the sentence of death might be inflicted on him, but he had protested against a new law being passed applying to him and his companions the worst in the whole category of our punishments. At no former period had the doctrine been avowed that any person engaged in an armed rebellion, no matter how brief or contemptible, must necessarily suffer the punishment of death, or be deported to a penal settlement. Lord Wintoun, sentenced to death, in 1715, for high treason, who had gained several battles over the royal partisans, was not only respited, but had his liberty restored, and his property resettled on his wife and family. That was under the tyrannical government of George I., when the necessity of a signal example might have been truly pleaded. The further back they went, the more merciful would they find the doctrine to be with regard to the law of high treason. Take what period they would, they would find in it their disgrace, and the condemnation of this Bill. The provisions of this Bill never had been the law. The punishment of transportation was not a punishment known to the common law. The Government contemplated what was illegal in altering the sentence of transportation without this Act. Let the Government state openly what they meant. Let them not say at one and the same time that this was a Bill to alter the law, and not to alter the law. They should know what it was they were really about, because their time was too valuable to be taken up with irrelevant discussions. And yet these discussions were forced upon them by the Government. Why should they be called on at that late period of the Session to pass such a Bill? He was sorry that his hon. and learned Friend the Member for Sheffield had introduced so much bitterness into the debate, and should have compared these unfortunate gentlemen to a gang of persons in this country whose object was to assassinate the police, to rob the Bank, and fire the city of London. The case of Mr. Cuffey was not like that of Mr. Smith O'Brien, for the former had been tried for felony. He rejoiced that the latter had not been tried for felony, because, but for that merciful blunder, nothing could have saved him from transportation. They could do so now, by not passing this Bill. He hoped they would not call on the Queen to do violence to her own natural feelings of mercy. If this measure passed, the English constitution would be lost—he begged pardon, not the English constitution, for this measure extended only to Ireland. With a great doubt of obtaining even a little mitigation of this Bill, he now begged leave to propose his first Amendment.

First Clause, page 1, line 3:—Amendment proposed to leave out the words, "declared and."

The ATTORNEY GENERAL did not complain of the course taken by his hon. and learned Friend, but would not follow his example by entering at such length into the general subject as his hon. and learned Friend had. He would confine himself strictly to the Amendment. The principle of the Bill had been already affirmed by a large majority, which included in it a majority of the Irish Members. There was no ground whatever for saying the measure had been hurried through the House with an indecent haste. So far from that, there was not even a suggestion on the part of the Government that the ordinary course of proceeding should be suspended. Some hon. Gentlemen spoke of suspending the Standing Orders, but no Standing Order applied to a Bill of this description. It was said that the petitioners prayed that the sentence of death might be carried into effect. They prayed for nothing of the kind, but they did pray that some such Bill as the present might be passed. ["No, no!"] He would read the paragraph of their petition to which he referred. Mr. Smith O'Brien said—

> "If it were desirable that the sentence of death should be commuted into one of transportation for life, it was incumbent on the Government to produce a statutory enactment rather than to violate the law."

The hon. and learned Gentleman asked why this Bill was introduced? He would answer, in the words of the preamble, that doubts had arisen which it was proper and desirable to remove. There was no doubt entertained amongst the Irish Judges or in Westminster Hall about the efficiency of the present law; but doubts had arisen in other quarters, which, as he had already said, it was right to remove. His hon. and learned Friend said, that doubts were entertained by some members of the Irish bench respecting the efficiency of the present law. Such was not the case, and it ought to be remembered that the Bill came down from the other House sanctioned by authorities of the highest legal eminence, not one of whom entertained a doubt as to the present law, although they were of opinion that it was proper to remove doubts which had arisen elsewhere by a declaratory enactment. It must be obvious to every Member of that House that it would be inconvenient, if not unbecoming, to allow a discussion to take place in the Court of Queen's Bench in Ireland by men who had been convicted and were under sentence for high treason. He submitted to the House that there were no grounds whatever for asking the House to concur in the Amendment.

Mr. M. J. O'CONNELL said, the hon. and learned Gentleman the Attorney General had given them a new ground for opposing the Bill. Necessity was called the plea of tyrants, to which a companion adage might be added, that inconvenience is the plea of the law officers of the Crown. The hon. and learned Gentleman said, it would be inconvenient for a court of law to decide on this case. What inconvenience could there be in deciding what the law was by the existing tribunals of the land, whose specific duty it was to do so? He thought the Bill contained some unconstitutional points, and the speech of the hon. and learned Gentleman confirmed him in that conviction. The object of all the amendments was to make the Bill prospective and not retrospective, and the first step towards that was to get rid of the declaratory part. The hon. and learned Gentleman said the law was clear. Why not then leave the courts of law in Ireland to decide? If they were going to enact a new law, the country should be made aware of the fact; there should be no ambiguity in the matter. He protested against this appeal to Parliament to cut a knot, which ought to have been left to the Judges of the land.

Mr. MUNTZ regretted that he was not present when the second reading of this Bill was proposed, as he should certainly have voted against it. It was not that he had any sympathy with the parties affected by the Bill, but he considered the principle of altering the law, with a view to the application of a particular punishment, a most dangerous one. They need not go back to distant times for an example of the law being allowed to take its course. Thirty years ago, Abraham Thornton, having first violated Mary Ashford, and afterwards murdered her, claimed the right of wager by battle. His claim was allowed; and having been acquitted, he left the country. He (Mr. Muntz) should certainly vote for the Amendment.

Mr. MOORE said, the hon. and learned Gentleman the Attorney General had stated as the reason why the Bill had been introduced, that grave doubts had arisen with regard to the existing law.

The ATTORNEY GENERAL: I did not say "grave doubts," but "doubts."

Mr. MOORE wished to know in what quarter those doubts had arisen?

The ATTORNEY GENERAL: I have no difficulty in answering the question. My reply is, in Ireland.

Mr. MOORE thought the House ought to be informed specifically by whom doubts had been entertained.

The ATTORNEY GENERAL: I am not in the habit of stating any doubts which have been communicated to me in confidential communications.

Mr. F. FRENCH could not admit that the individuals concerned might properly be regarded as under sentence of death. It might be true that pardon had not been granted under the great seal; but an intimation had been made to them that it was not the intention of Government to carry the sentence into effect. Would any one contend that on a mere legal pretext the word of the Crown might be substantially violated? A blunder had been committed by the Government in communicating an intimation of pardon to the prisoners before the proper time.

Sir G. GREY said, that as his hon. Friend considered the Royal word to have been pledged, he begged to state that the communication made to the prisoners was, that the sentence passed upon them would not be carried out, on the condition that they should be transported. On that point he appealed to the common sense of the House. He would tell the hon. Member for Mayo that whatever might be the ultimate fate of the prisoners, the feelings of the country would not sanction the appeal to mercy made in that House, or tolerate such an abuse of the Royal prerogative as the letting the convicted parties loose upon society. The hon. Gentleman the Member for Roscommon said the Government had committed a blunder, because out of respect for the anxious feelings of the families of the prisoners they had made an early communication of their intention. The Government might have committed a blunder; they might not have known from experience how the parties would act when the humanity of the Government was exhibited. As regarded transportation, that was the ordinary and sole condition on which mercy was extended to persons in the position of the prisoners. The hon. and learned Gentleman the Member for Youghall had spoken of this Bill as one of a series of penal measures. The object was simply to assimilate the law of Ireland to that of England; and he presumed that the only reason why the case had not been expressly provided for by a statute was, that the Irish Legislature had not contemplated that the crime of treason would ever be punished with any other penalty than death.

Mr. C. ANSTEY explained that his right hon. Friend had misunderstood him. What he intended to convey was, that the prisoners, having a case of exceptions, had a right to have those exceptions decided by a legal tribunal; whereas he had this objection to the Bill that it was to be made an *ex post facto* law. He had no objection to the Bill if it were made solely to refer to future cases. He had been misunderstood in some of his objects, and it was now his intention to state, in order to counteract this impression, that he had introduced several amendments for the purpose of substituting imprisonment during the pleasure of the Queen—even for life—instead of transportation. He contended that this was a case in which the Judges should have been called upon to give their opinion, without that indecent haste which had characterised the proceedings in another place.

Mr. E. B. ROCHE objected to the Bill on the ground that it was an *ex post facto* measure, intended to inflict a punishment which could not be inflicted as the law now stood.

Colonel DUNNE opposed the Bill, from no sympathy with the parties implicated, but because he was anxious not to sanction any *ex post facto* violation of the law of the land. These prisoners might have escaped by some paltry quibble upon the wording of the indictment; and surely they ought to have the advantage of this greater doubt, which was so distinctly admitted to exist.

Question put, "That the words 'declared and' stand part of the Clause."

The Committee divided:—Ayes 151; Noes 27: Majority 124.

List of the AYES.

Adair, H. E.
Adair, R. A. S.
Adare, Visct.
Anson, hon. Col.
Arkwright, G.
Baines, M. T.
Baldwin, C. B.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, C. L. G.
Blackall, S. W.
Blackstone, W. S.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brisco, M.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Bunbury, W. M.
Cavendish, W. G.
Chaplin, W. J.
Childers, J. W.
Cholmely, Sir M.
Christy, S.
Clay, J.
Clements, hon. C. S.
Clive, H. B.
Cobbold, J. C.
Cockburn, A. J. E.
Coke, hon. E. K.
Cowan, C.
Craig, W. G.
Crowder, R. B.
Currie, H.
Curteis, H. M.
Dalrymple, Capt.
Davies, D. A. S.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Edwards, H.
Farrer, J.
Ferguson, Sir R. A.
Floyer, J.
Forbes, W.
Fordyce, A. D.
Forster, M.
Fortescue, hon. J. W.
Freestun, Col.
Glyn, G. C.
Goddard, A. L.
Granby, Marq. of
Greenall, G.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Gwyn, H.
Hamilton, Lord C.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Heathcote, G. J.
Henry, A.
Herbert, rt. hon. S.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Hood, Sir A.
Hope, Sir J.
Howard, Lord E.
Jervis, Sir J.
Jones, Capt.
Labouchere, rt. hon. H.
Lacy, H. C.
Lascelles, hon. W. S.
Lemon, Sir C.
Lewis, G. C.
Lindsay, hon. Col.
Locke, J.
Lockhart, W.
Macnaghten, Sir E.
M'Gregor, J.
Maitland, T.
Martin, J.
Matheson, Col.
Maule, rt. hon. F.
Meux, Sir H.
Mitchell, T. A.
Morris, D.
Mulgrave, Earl of
Mundy, W.
Nicholl, rt. hon. J.
Ogle, S. C. H.
Ord, W.
Palmer, R.
Palmerston, Visct.
Parker, J.
Peel, rt. hon. Sir R.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Price, Sir R.
Prime, R.
Renton, J. C.
Repton, G. W. J.
Ricardo, O.
Rice, E. R.
Roebuck, J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Shafto, R. D.
Sheil, rt. hon. R. L.
Sheridan, R. B.
Simeon, J.
Smith, J. A.
Smollett, A.
Somerville, rt. hn. Sir W.
Stanley, E.
Stanton, W. H.
Thesiger, Sir F.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Townshend, Capt.
Trelawny, J. S.
Trollope, Sir J.
Tyrell, Sir J. T.
Wall, C. B.
Watkins, Col. L.
Wawn, J. T.
West, F. R.
Westhead, J. P.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.
Wortley, rt. hon. J. S.
Wyvill, M.

TELLERS.
Tufnell, H.
Hill, Lord M.

List of the NOES.

Devereux, J. T.
Dickson, S.
Dunne, Col.
Fagan, W.
Fox, R. M.
French, F.
Grace, O. D. J.
Greene, J.
Keating, R.
Lawless, hon. O.
Meagher, T.
Mahon, The O'Gormon
Moore, G. H.
Muntz, G. F.
Nugent, Sir P.
O'Brien, Sir L.
O'Connell, J.
O'Connell, M. J.
O'Flaherty, A.
Power, Dr.
Raphael, A.
Rawdon, Col.
Reynolds, J.
Sadleir, J.
Scully, F.
Sullivan, M.
Williams, J.

TELLERS.
Anstey, T. C.
Roche, E. B.

MR. REYNOLDS rose to move the Amendment of which he had given notice. This was the fourth Bill of pains and penalties that had been passed against Mr. Smith O'Brien in one year. He would ask them if that was not a melancholy subject to reflect upon? He might be told that that was not the fault of the loyal inhabitants of Ireland, or of that House. He, however, could not consider that House or the Executive Government perfectly blameless for what had taken place, though he was not there to palliate the offences of these Gentlemen; but he considered that the Government ought not to have looked calmly on, while Mr. Smith O'Brien and his associates were publishing threats against the Government, and holding nightly meetings, but ought to have had them arrested and held to bail. That House and the authorities had done enough to vindicate the law; and, therefore, this measure ought not to be proceeded with. Messrs Smith O'Brien and Meagher were convicted by a jury which it had been asserted was packed, but they unanimously recommended those unfortunate men to mercy. They appealed to the Court of Queen's Bench, who ruled against them; a further appeal was then made to the House of Lords, when they were again ruled against. After the various petitions were presented to the Executive in favour of mercy being extended to these unfortunate men, and it had been generally understood that they could not be executed, then came the document of the 5th of June, for commuting their sentences; and he called upon the Government to allow counsel to be heard at the bar of the House, or an inquiry to be instituted on the subject, and he believed it would be found that other documents had been executed—though the right hon. Baronet the Secretary of the Home Department was not aware of them —which must prevent the sentence of death being carried into effect. He could not believe that Lord Denman and the other law Lords who approved that Bill could entertain the same opinion. With respect to there being no necessity for the Bill, as had been enunciated by the Attorney General, the fact of their passing it proved, that they thought there was a necessity for it. He thanked God he was not a lawyer, as it appeared to him to be a science for mystifying that which was otherwise plain. He denied that transportation was mercy to these unfortunate men, who had been recommended to mercy by the jury that convicted them. The right hon. Baronet the Secretary for the Home Department had said, that the people of England would not countenance these men being let loose upon society. He was sorry such a phrase had been used, for they should recollect that these men were gentlemen. [An Hon. MEMBER: So much the worse.] He was told so much the worse. Why, Washington was a gentleman, and had he not been successful he would have been a felon; and some of the brightest ornaments in English history would have been deemed rebels, had they not proved successful in their efforts to secure the liberties of the people. They were magnifying a mountain into a molehill. [*Laughter.*] He was glad that he had put the cart before the horse, as it had produced that burst of merriment. They were magnifying a molehill into a mountain. They were calling a row with the police in a cabbage garden in the county of Tipperary a rebellion. They were calling that a rebellion where nobody assembled but the unfortunate men themselves. They were calling that a rebellion in which six or seven men spent a month in the mountains of Tipperary, running away from every scarecrow which happened to be made of a policeman's hat; and the leader of the so-called rebellion walked into a public railway station with a "label" on his back offering 800*l.* for his apprehension. He wished the Government would follow the example set by Lord Cornwallis in 1798, who pardoned seventy prisoners convicted of treason. There was a rebel, too, dignified by his followers by the name of General Cluny, who had encountered the King's troops at Enniscorthy, and beaten them. He held that town for a week, and had the county of Wexford under his control for three months. General Cluny was tried for high treason, convicted, and condemned to be hanged; but his life was spared; and, after two years' imprisonment in Fort St. George, he was set at liberty, was now alive and well, and Queen Victoria had not a more loyal subject. That was the course he was anxious should be followed with regard to these cabbage-garden heroes, and it would do more than anything to excite the gratitude and respect of Ireland for the Queen and the Government.

MAJOR BLACKALL said, that every Irish Member had spoken against the Bill; he had taken a different course, and intended to support the Bill throughout its various stages. If he could think that this was an *ex post facto* law—that it was levelled exclusively against these persons, to carry out a punishment to which they were not liable according to the present law, he should have joined those who opposed this Bill, and given it every opposition, as was done by the hon. and learned Member for Youghall; but it appeared to him that this was a declaratory Bill, and that it was only to remove certain doubts that had arisen in Ireland. Then it was said, if the law was perfectly clear, why should any Bill be introduced? He could see a good reason for introducing the Bill, although the law was perfectly clear; he could understand that at this moment, after political excitement had reached such a height, it would not be expedient to open the question again in a court of law. This was an unpleasant Motion for Irish Members to express an opinion upon, as they were interested in the fate of these persons, with whom they had associated. He would yield to no man in feelings of sympathy for those who had incurred the penalty of the law; but he could not, in the exercise of his duty, shut his eyes to the mischiefs which had arisen from the acts of these men, and the necessity of punishment being inflicted. It was all very well to say that it was a meeting of a few persons, and that it ended in a fight in a cabbage garden; but he knew that the country had suffered, and that capital was driven from Ireland by the political excitement caused by the acts of these men. Shopkeepers were taught to be generals and captains, and wore a green and gold uniform. He thought they ought to leave it to the mercy of the Crown to deal with these men who had brought these calamities on the country; and for these reasons he should support the Bill on the present occasion.

Mr. J. O'CONNELL begged to inform the hon. and gallant Member for Longford that Government had confessed that it was an *ex post facto* law; if it were not, why was not the punishment carried out? Being an *ex post facto* law, there could be no doubt that it was unconstitutional.

Mr. C. ANSTEY asked the hon. Member for Salford whether it was his intention to make his customary Motion of adjournment? If not, he should move that the Chairman now report progress.

Sir G. GREY asked the hon. and learned Member whether his intention was to obstruct the course of the public business? The hon. Member for Salford would on this, as on all other occasions, no doubt adopt no course calculated to obstruct the progress of public business. The Irish poor-law stood in the Paper for next week, and adjourning the further progress of this Bill to a future day must have the effect of postponing that measure.

Mr. C. ANSTEY repelled the imputation that he was actuated by a desire to obstruct public business. Such was not his object, but he saw several Amendments on the Paper, and it would be impossible to get through them all, the principal of which had not been so much as noticed. The next Amendment referred to the discrepancy between the preamble and the enacting part of the Bill; and there were a variety of others to which it was necessary to draw the attention of the House.

Same Clause: — Another Amendment proposed, after the word "offender," to insert the words "who may be hereafter convicted and."

Question put, "That those words be there inserted."

The Committee divided: — Ayes 24, Noes 140: Majority 116.

Same Clause:—Amendment proposed, to leave out the words "for any offence whatsoever by Law punishable with Death," in order to insert the words "for High Treason."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 129; Noes 19: Majority 110.

Mr. C. ANSTEY moved another Amendment, his object being to make the enacting part of the Bill agree with the preamble.

The CHAIRMAN intimated to the hon. and learned Member for Youghall that his next Amendment could not be put, as not being within the scope of the Bill. [The Amendment was, at line 15 to omit the word "transportation," and insert "imprisonment during the Queen's pleasure, or banishment."]

Mr. LAWLESS moved that the Chairman report progress.

Mr. MONSELL suggested to the hon. Member to withdraw his Amendment, as being contrary to the repeated decisions of the House.

Lord J. RUSSELL agreed with the hon. Gentleman who had just sat down, and should have thought, after the unequivocal expressions of its opinion on this Bill which the House had already given, the hon. Member for Clonmel would have allowed the debate to have proceeded without further opposition of this character. But there was one point to which he wished to call the attention of hon. Gentlemen, and particularly as his own attention had also been frequently called to it. He had been told, and always without justice, that he did not bring forward measures in regard to Ireland, and that when he did so they were postponed from week to week. Now, he had stated that it was his intention to have brought forward on Monday the consideration of the Irish Poor Law Amendment Bill; and on Thursday next it was the intention of his right hon. Friend the Chancellor of the Exchequer to have made a proposal to the House respecting a railway in the west of Ireland, which would lead to the immediate employment of a great number of persons in that part of the country. These were practical questions; but if Irish Gentlemen threw obstacles in the way of the Bill now before the House, he should be unable to accomplish what he proposed. He could only say, therefore, that he must delay any other measure until the House should have decided upon the Bill now before them—and he only hoped that the House would admit that any delay that might take place with respect to legislation for Ireland was not his fault.

Mr. LAWLESS would repeat that it was through the fault of the noble Lord that there had been any waste of public time. Why had not the Government imprisoned those unhappy gentlemen, instead of bringing forward an *ex post facto* Bill to transport them? However, as to further opposition, he did not see what beneficial result would come of it. He had done his duty by opposing the measure in all its stages, until now, and he would now withdraw all further resistance.

Mr. REYNOLDS put it to his hon. and learned Friend the Member for Youghall, whether after the very unequivocal manner in which on three occasions that evening the House had expressed its opinion with respect to this (he admitted) most objectionable measure, it would be wise to press the opposition to it any further? For his own part he must say that he very much doubted the wisdom of such a proceeding, and questioned whether it would be productive of the least advantage to the unfortunate gentlemen whose interests his hon. and learned Friend had at heart.

Mr. C. ANSTEY observed, that the Amendments which still stood on the Paper under his name were totally dissimilar from those on which the House had already divided. The hon. and learned Gentleman, after alluding at some length to the character of the Amendments in question, which he attempted to vindicate, concluded by stating that in deference to the general feeling of the House, he would not press all those Amendments on the present occasion. He would bring the majority of them forward on the third reading, and would for the present content himself with moving the following proviso:—

"Provided always, that nothing in this Act contained shall be construed to impair or hinder the exercise of any prerogative of the Crown, in virtue whereof Her Majesty may grant her free or conditional pardon to any such offender."

The ATTORNEY GENERAL said, that the only reason why he objected to the proviso was, that he knew it to be wholly unnecessary. The Bill did not trench in the least on the prerogative of the Crown.

Mr. ANSTEY declared his intention to divide notwithstanding.

Sir F. THESIGER implored of his hon. and learned Friend not to put the House to the trouble of dividing. The hon. and learned Gentleman must surely be himself aware that the proviso was wholly unnecessary.

Mr. C. ANSTEY at length reluctantly consented not to divide on the Amendment. If the Irish Members chose to desert him, he would not expose himself to the ridicule of going into the lobby by himself, but would merely content himself with saying "Aye" to the Amendment.

Bill reported without Amendment; to be read 3° on Monday next.

The House adjourned at a quarter before Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, June 25, 1849.

Minutes.] Public Bills.—1ª Administration of Justice (Vancouver's Island); Ecclesiastical Jurisdiction.
3ª Grand Jury Cess (Ireland).

Petitions Presented. By Lord Stanley, from Annaduff, Alness, and Strensham, against the Parliamentary Oaths Bill.—By Lord Brougham, from Manchester, that Persons objecting to Oaths may be allowed to make Affirmation.—By the Duke of Cleveland, and Lord Monteagle, from Harworth and Darlington, against Granting any New Licenses to Beer Shops.—From Stranraer, and a Number of Places in Scotland, against the proposed Alteration of the present Station for Mail Communication between the South-West of Scotland and the North of Ireland.—From the City of London, in favour of the Parliamentary Oaths Bill.—From Benenden, for Protection from unrestricted Foreign Competition.—From Malton, for Extending the Jurisdiction of County Courts.

DIPLOMATIC RELATIONS BETWEEN SPAIN AND ENGLAND — FRENCH INTERVENTION IN ITALY.

The Earl of ABERDEEN rose to put the question on that subject, of which he had given notice. He thought their Lordships would be of opinion that if it had not been for the many and great events which they had recently witnessed in various parts of the Continent of Europe, and the powerful and overwhelming interest with which they were invested, it was probable the anomalous condition of our relations with the Spanish Government would have called for some notice from Parliament; and it was from a conviction of the great importance of the subject that he was led to ask for information respecting it from the noble President of the Council. It was now more than a year since our diplomatic relations with the Court of Madrid were abruptly terminated, and under circumstances of much indignity to the representative of Her Majesty at that Court. He did not understand that any satisfaction or reparation had been made for the violence thus committed. At the same time he avowed that the dismissal of a Foreign Minister by any Government was not a proceeding which necessarily admitted of no justification. Every Government possessed the power, every Government had exercised that power when they thought their essential interest or safety was concerned. When the Regent Orleans dismissed the Spanish Ambassador from the Court of France, he did not confine himself to sending his passports; but he had him arrested and conducted to the frontier under a strong guard. But afterwards the Regent entered into a justification of that proceeding, which justification was pronounced by all Europe to be perfectly satisfactory, although undoubtedly it was a violation of the law of nations. The late proceeding, violent as it had been, had not amounted to anything like the proceeding he had just instanced; but for this proceeding, such as it was, no sufficent justification had as yet been offered. At the same time he had no doubt that the Spanish Government had acted under the strongest persuasion of the danger in which they were placed, and a perfect conviction that the representative of this country had taken an active part in the internal troubles existing in their own country. It appeared almost incredible, but then he believed it to be the fact, that the Spanish Government were fully persuaded of the hostile disposition of this country, and of its representative, towards it, and of our readiness to aid those efforts at disturbance and revolution which at that time prevailed in their country. That appeared to him incredible; but there were reasons which might account, at least, for the existence of that belief on their part. Much as he blamed, and deeply as he lamented, that policy of personality and hatred which had been attended with such mischievous effects in many parts of Europe—and in no country had it been more mischievous than in Spain—it was not his intention to enter into and follow up an examination of those steps which might account for that belief and persuasion of the Spanish Government. Beginning, as he might do, that despatch—that first unprovoked insult to the Spanish Government—in July, 1846, very shortly after the accession of Her Majesty's Government to office, and concluding with that most astounding despatch of the 16th of March last year, which was written three weeks after the French Revolution, and delivered to the Spanish Government shortly after the suppression of a military revolt in the streets of Madrid—that despatch, delivered at such a time and under such circumstances, was little calculated to stifle all those apprehensions and those fears which the Spanish Government entertained with respect to the disposition of the British Government and its representative. But the Spanish Government had always professed their desire to show, in the strongest manner possible, that they entertained no disrespect for this country; and, on the contrary, that they acted under a strong conviction of the feeling to which he had adverted. He admitted that it was no justification of the step they had taken; but at least, under the circumstances it was some palliation, and as the Spanish Government had constantly professed a desire to make the most ample reparation to this country which it was possible for them to make consistently with the preservation of their own honour, he could not see where the great difficulty lay which should prevent an accommodation taking place; for more than the utmost degree of reparation consistently with the honour of Spain we could not reasonably expect, and less than that ought not to content us. If such, then, were the feeling, he could not understand why that accommodation which, it appeared, had been proposed, should not be speedily and finally accomplished. In the proposal of the Spanish Government—he was, of course, ignorant of the particulars which might have taken place—he understood that the most ample professions had been made of a desire to meet the wishes of this country in a manner that might be satisfactory. Fortunately the question was now between the two Governments. The right hon. Gentleman who was personally concerned stood completely exculpated by his own Government; he had received the approbation of his Government; he had received honours, and he had received a new distinction in his profession of equal or even greater importance than that he had formerly possessed. The question now, therefore, remained exclusively between the two Governments; and if they were animated by those feelings which would appear to have been professed, certainly on the side of the Spanish Government, and he believed on the side of this country also, he could see no reason why a mutual understanding should not be arrived at. But he trusted if those relations between the two countries should be renewed, it would not be as a means of renewing a spirit of meddling, of threatening or recommending, but that it should be to extend that encouragement and countenance to the Queen of Spain which was due from all the allies of Her Majesty.

He had been induced to take that particular opportunity of making an appeal to the noble Marquess upon the subject, in consequence of what he had recently witnessed of the conduct of the Spanish Government, and of the actual condition of that country. The events that had occurred recently in Continental nations defied all calculation; and any man, after the French revolution, when he looked on Spain, and saw it a country discontented, its power distracted at home, and powerless and possessing little consideration abroad—deprived of what they had been over and over again assured was its only support, the countenance of the French monarchy—any man would have thought such a country and such a Government must inevitably crumble to pieces without that support. But that had not been the case; on the contrary, the Spanish Government had acquired strength, and certainly, in some respects, owing to the rejection of English advice; he would not say in consequence of that rejection, but they had not only succeeded in completely putting down every revolutionary and democratic attempt at home, but had also, for the first time, pacified the northern provinces, and put an end entirely to the Carlist war there. Nay, more than that, they had, as a most remarkable proof of their power and humanity, declared an amnesty so large and liberal that he did not remember to have seen the like from any Government whatever—an amnesty so extensive, and with such few exceptions, that he believed the Conde de Montemolino himself might go to Spain to-morrow, if he thought fit, without incurring any danger. In addition, too, to that proof of power and of the tranquillity of the country, showing how little they dreaded from internal disturbances, they had found means to send a considerable force to Italy—some 8,000 or 10,000 men—to assist in the restoration of the Pope to his dominions. In doing that, they had not only showed tranquillity with respect to disturbances at home, but also the reconciliation of Spain to the Holy See—a matter which must tend very much to the future tranquillity of that country, and was therefore a step which it was of very great importance to be accomplished. But they had done more than even that. It had been said that we were rather disposed in this country to estimate all mankind according to the amount of cotton manufactures they consumed. We had certainly been enabled to furnish Spain with a considerable quantity of the precious commodity by means of smuggling; but it had been the object of every Minister for the last thirty years to obtain a treaty with Spain by which those cottons should be legally introduced into that country—an endeavour which had been vain up to the present time. It would be vain at the present moment to doubt the sincerity of Espartero in his desire to make such an arrangement with this country. When he (the Earl of Aberdeen) was at the Foreign Office himself, a treaty for that purpose was proposed, to which the two Governments had no objection; but the Spanish Government was not strong enough to resist the Catalonian interest, and Espartero was obliged to abandon the treaty. Now, such was the power of the present Spanish Government, that, without any solicitation, without any treaty, the man whom they had done their utmost to overthrow as a Minister, had, by consulting the interest of his own country, done that which had been the object of this country for the last thirty years to obtain, and had introduced our manufactures at a rate of duty which was not extravagant. At all events, it was the first step taken, which could not but lead to the best consequences hereafter. There was one step more remained for that Government to take. Although it was perhaps unwise to make a political prediction at any time, and certainly as applicable to Spain of all other countries, still he expressed his hope and belief that if the present Spanish Government remained in office, they would obtain before long a satisfactory arrangement with English bondholders. He knew the present Minister of Finance to be one of the most enlightened men who had held that department since the great war; he had the will, and General Narvaez had the power; and where the power and the will were both found, he was sanguine in believing that, if they remained in office, a long time would not elapse before a satisfactory settlement would be brought about. But that, in some measure, would depend upon ourselves. He could not say that he regarded with entire satisfaction some of the late proceedings connected with this subject. He knew it was very easy to write a stinging despatch, or prepare a very triumphant manifesto; but the matter was not much advanced by that mode of proceeding, and they ought rather to look to a mode which would be attended with success, and which should most speedily and effectually obtain relief for our distressed fellow-countrymen. It was with an earnest desire to see the question put at rest, that he expressed the feeling and hope that he entertained on the subject. If any voice so humble as his could reach the Spanish Government, he would say to them that in settling their claims they would be doing that which would not only redound to their own honour, but which would not fail to be attended with great advantage to their own country. He would now beg to ask the noble Marquess whether there was any prospect of a speedy renewal of our diplomatic and friendly relations with the Spanish Government?

The MARQUESS of LANSDOWNE said, that he was quite prepared to give an answer to the question to which the noble Earl had called his attention, but which he had hardly, from the notice previously given, expected to be accompanied with an explanation of views so general or extended as that to which the noble Earl had given expression, with respect to the policy of Spain, foreign as well as domestic, the invasion of Italy— [The Earl of ABERDEEN: No!] He begged the noble Earl's pardon; but the noble Earl had adverted to a considerable range of topics, lying, to all appearance, beyond the scope of the question to which it had beforehand been intimated that the attention of the House should be directed. He would answer the question which the noble Earl said he would ask, and which he had asked. He did not mean to go into any discussion with respect to those circumstances which the noble Earl had described as having preceded the extrusion of Her Majesty's Minister from Spain. Those circumstances having been formerly made matter of discussion in this House and in the country, it was unnecessary to dwell upon them now, because upon the subject of the indignity with which that Minister was compelled to take his departure, there was at that time but one opinion in this country, as there was but one opinion in that House; and he was persuaded that, upon reflection, there would be but one opinion now. The noble Earl had truly stated that it was in the power of every Government to send away any foreign Minister who might not be so fortunate as to discharge his functions without giving cause of offence; but there had been no occasion on which such an act had not been accompanied by a justification. That justification had not been made satisfactorily in the present case up to the present time. The noble Earl stated that the Spanish Government, as he understood, had expressed a desire to give ample reparstion on that subject. If the noble Earl knew that, he knew that which he (the Marquess of Lansdowne) did not know—he (the Marquess of Lansdowne) could only say that no such reparation had been offered. He would not discuss the question as raised by the noble Earl, for no offer of reparation had been made. Regretting much what had passed, this Government had been at all times, and at the present moment was, prepared to receive any such offer of ample reparation. The best proof this Government could give of that disposition was the readiness with which—perhaps the noble Earl might be aware—towards the end of last year it accepted the proposal of His Majesty the King of the Belgians, founded on certain circumstances which he thought had come to his knowledge, to offer his mediation on this subject to the British and Spanish Governments for the purpose of effecting, with a just regard to the honour of both parties, a renewal of that intercourse which had unfortunately been suspended. Her Majesty's Government lost no time in signifying their acquiescence in that proposal, and their readiness to listen to any communication His Majesty the King of the Belgians might have to convey. But, notwithstanding, the Spanish Government up to this moment had not made any offer of a nature which His Majesty the King of the Belgians had thought to be such as he could recommend to the consideration of the British Government. The noble Earl had truly stated that the eminent and distinguished individual who had been compelled to submit to this insult, this unmerited insult, had since been appointed to another foreign mission; and the noble Earl was also correct in considering that this appointment was made partly with a view of manifesting the confidence reposed in him by the Government, and as an acknowledgment of the sense which they entertained of his services. But though he had been so appointed, it was not the less necessary that reparation should be given, not only to the honour of Her Majesty's Government, but to the personal honour of that Minister who had been subjected to insult. This country would be wanting in respect to itself and to the individuals whom it employed to represent them in foreign Courts, if it did not require, previous to any renewal of diplomatic relations—a renewal which no one desired more than he did—that the honour both of the Government and of that individual should be set beyond all question. Whenever the Spanish Government was so advised to make this communication through the medium of the illustrious Person to whom he had alluded, he could answer for it confidently that it would meet the immediate attention of Her Majesty's Government—Her Majesty's Government most earnestly desiring to renew with Spain those friendly relations which they wished to entertain with all countries. He should not refer to the statements which the noble Earl had made as to past proceedings. He should only allude to that alteration of the commercial system of Spain which, as the noble Earl stated, had not been made in a spirit of concession by Spain—which had not been made to give satisfaction to this country—but which had been made on grounds infinitely more decisive, on grounds connected with the interests of Spain herself; and it was only in reference to those interests that any Government had ever been justified in pressing the adoption of that tariff by the Spanish Government. Whether that tariff was of so beneficial a nature as the noble Earl seemed to suppose, or would be attended with such beneficial effects on the commerce between Spain and other portions of the world, was a question on which he (the Marquess of Lansdowne) should not now enter; but he would state his belief that Spain had adopted in this respect a wise course, and one that did her honour. In adopting that policy, she had yielded to no remonstrance from any other country; but she had yielded to that most powerful remonstrating power of all in all countries in bringing Governments to their senses on the subject —the remonstrances administered by the smuggler; year after year making it more and more impossible, with any regard to the real interests of the country, to retain a system of commercial policy at variance with the maxims which, through Europe, fortunately prevailed to a great extent, and were becoming more and more extended. In conclusion, he should only say, with respect to the Spanish Government, that it was perfectly consistent with their own honour, if they were misled and misinformed, as he had no doubt they were, with regard to the personal conduct of Sir Henry Bulwer, to free the honour of that gentleman from all imputation. If that were done, there could be no desire in this country to exact any more than the admission of that fact. Before he sat down, he should refer to a subject which some time ago had been brought under the notice of their Lordships. In a conversation which then took place, a good deal of anxiety was displayed on the part of a noble Lord to ascertain the precise nature of the communications made by the Government of France to the Government of this country, respecting their views on the expedition which sailed some time ago for Civita Vecchia. He (the Marquess of Lansdowne) had then stated that though there was no objection on the part of Her Majesty's Government to give the information, they did not think it fit or expedient to make such communication of what had passed in terms without previously consulting with the Government of France, and ascertaining how far such communication might or might not meet the approbation of that Government. That course having been taken, he had now to state that the Government of France were perfectly willing that the communications in question should be made known to this country; and he had, therefore, now to lay on the table the papers relating to the expedition to Civita Vecchia, which he held in his hands.

POST OFFICE PACKET COMMUNICATION BETWEEN SCOTLAND AND IRELAND.

The MARQUESS of LONDONDERRY: My Lords, I experience considerable reluctance, and I must throw myself on your Lordships' indulgence for bringing before you again a subject which I have more than once submitted to the House. I am influenced, however, solely by an anxious desire to do a public service, to prevent the ruin of a large number of Irish and Scotch industrious persons—to uphold the shortest communication between the south-west of Scotland and Ireland—and to prevent the false economy of a miserable saving with the abandonment of great public advantages. I am aware, my Lords, I stand on very weak ground in advocating the matters of the petition I am to present to your Lordships. Independently of my very humble abilities, I belong to neither of the great parties in this House. I am certainly not a favourite with the noble Lords over against me, and I cannot rank myself amongst the household troops of the able and talented leader of the Conservative party in the House. I feel

I can obtain no aid but from an honest examination of this case on its own merits. It will not be necessary for me to go very much at large into the subject; a general printed outline of the case has been sent, I hear, by the petitioners to every Peer. The question resolves itself under three heads: — First, the advantages and convenience of the best and shortest passage for postal communication and passengers between the southwest of Scotland and the north of Ireland. Secondly, the prudence and wisdom, after an expenditure of nearly 400,000*l.* annually added to for the last half century, of abandoning the harbours constructed, for a saving of money immaterial in the amount, and evidently detrimental to a large class of Her Majesty's subjects, who have been led to place confidence in the preservation of these harbours, and consequently to locate there and in the vicinity. Thirdly, whether the economy expected to arise from the change in contemplation amounts to such an advantage as entirely to put an end to the various advantages derivable now from the present trade of the harbours. I certainly had hoped, as well as the petitioners whose cause I advocate, that upon a deputation to the Prime Minister he would not so suddenly, without notice, and against promises held out and made, and contrary to all precedent, force this cruel measure upon an impoverished population, and deprive Scotland and Ireland of the advantages derived more or less in a series of years from these ports, without the most serious reflection and examination. With this view, after the noble Marquess (the Marquess of Lansdowne) opposite, had intimated to me the intention of the Government to abandon the harbours, a large deputation waited on Lord John Russell. What passed has been in substance stated in all the public papers. Lord John Russell desired some time to consider the matter before he gave his final opinion, and on Friday I received the answer, which I will now take leave to read to the House:—

"Chesham-place, June 22, 1849.

"My Lord — Upon consideration of the memorials respecting the mail communication from Portpatrick to Donaghadee, the Government have come to the decision to abandon the postal route between those places.

"The harbours will be attended to by the Admiralty, but it is not thought advisable to continue the expense of the packets when the service can be more cheaply provided for.—I have the honour to be, your Lordship's obedient humble servant, "J. Russell."

Your Lordships will see by this, that the postal communication is abandoned. But Lord John Russell states, that the harbours will be attended to. What advantages or saving of, public money will or can arise if the packets of the Post Office are to be taken away, or in what manner the harbours are to be attended to, Lord John Russell is entirely silent, and does not point out. I should be very glad if I could extract such a communication from Her Majesty's Government as would justify me in point of duty to the petitioners in abandoning my Motion. But it is declared it is not thought advisable to continue the expense of the packets. How the Queen's subjects are in future to cross without packets, or the harbours to be made available, or what saving is to ensue, appears to me more than ever necessary to ascertain by a searching Parliamentary inquiry. Now, in regard to the first consideration of this subject, no one will deny that the shortest communication — of eighteen miles between land and land — if not the very best that could have been originally devised, now exists; it has stood the test of more than half a century. Various reports from time to time by both Houses of Parliament have been made upon it. The majority of these, together with the reports of a large number of officers and scientific professional civil engineers, as also many different First Lords of the Admiralty— Lords Haddington and Auckland especially in this House — also many eminent admirals, such as Admiral Sir G. Cockburn, and Admiral Beaufort — have one and all declared in favour of these two harbours. It is true, however, that a noble Earl (the Earl of Ellenborough), for a short time First Lord of the Admiralty, fired a random shot at my humble efforts the other evening to serve a district he was once acquainted with. Whether that was kindly done, or in taste, the noble Earl knows best; possibly other circumstances than the mere harbours in some thirty or forty years have influenced his judgment. He stated, however, he was once nearly lost in a storm going into Port Patrick; but allow me to remark that was certainly nearly half a century ago. Has the noble Earl any knowledge or insight of all that has been done, and all the moneys laid out since; and what the present state of the harbours now are? If he has not, I maintain his testimony goes for nothing; and certainly, if my memory serves me correctly, I should not be disposed to give the noble Earl credit for great knowledge either on military or naval subjects, for, I think, in a celebrated speech in May or June in 1815, he prophesied the Duke of Wellington's defeat at Waterloo. Passing, then, this single opinion of one First Lord of the Admiralty, Lord Auckland, by letter, not only interested himself in the harbours, but positively took measures to place a steamboat on the station this year. This I have under his own handwriting. I must here observe that during the last ten years, the packets, in the very worst weather, have never missed their passage, and great has been the convenience to passengers. It is true, by false economy, and depriving the harbours of fair play, giving old crazy boats, cutting off a good mail coach that used to run, every possible disadvantage has been given to the harbours by the Post Office; but still their use and convenience have been undoubted. The opinions of the Provost of Stranraer and the Mayor of Lochryan were given so strongly by Mr. Caird at the meeting with Lord John, that I feel myself bound to read them to the House, being more convincing than anything I could add. Mr. Caird, the Provost of Stranraer, says—

> "The principle that the short sea-passage ought to be maintained had uniformly prevailed. Now, the present Government, after deliberate consideration, had sanctioned the same principle by recommending to the House of Commons, within the last two years, to issue a grant, which was accordingly issued, for completing and improving the harbour of Portpatrick. He submitted, therefore, that they were entitled to ask what change of circumstances had occurred to justify a reversal of the concurring decisions of every Government which had existed during the last quarter of a century? They were not aware of any change of circumstances unfavourable to the existing stations, except that they were told that an offer had been made by a trading company at Greenock to carry the mails by the route from Greenock to Belfast, either for nothing or at 30*l*. for a year, being 9*d*. or 10*d*. for each voyage of 90 miles. That would be a very liberal offer if it was disinterested, and a very safe bargain for the Government if they had any security for its permanence. It would enable them to maintain their existing establishments, and give additional facilities to the public without additional cost to the revenue. But if it was to be part of the arrangement that they should break up their existing establishments, no prudent Government could base its calculations or its permanent arrangements on a proposal which was so manifestly illusory as an offer of gratuitous services for the first year. In the end, the Government, if it should adopt the proposal, must pay the full price for a voyage of 90 instead of a transit of 18 miles. They would still have to maintain a mail communication, by land, for the south of Scotland; and then, when they had broken up the establishments which half a million of public money had been expended to form, they might discover, too late, that the one year's bargain for 10*d*. a voyage had been a penny-wise and pound-foolish expedient. He then adverted to the reduction of the annual expense which has been accomplished by the abolition of the harbour staff, through the transfer of the harbours to the Admiralty, and stated that if the mails were thrown open for contract at Portpatrick, a still greater reduction of expenditure might be accomplished: that even as it was, it was by far the cheapest station in the kingdom, and its mails were more punctual than those of any other, both of which advantages arose from the shortness of the sea passage. He admitted that there was a just complaint of the slowness of the mails. One cause was certainly the miserable vessels which the Admiralty sent there—Lilliputian craft, with engines of 25 horse power, which crept along at a rate of six miles an hour, taking two hours and a half to make a passage which proper vessels could easily accomplish in an hour and a quarter. But the delay was still more imputable to the misarrangement of the mails. The mails for the south of England actually lay at Portpatrick from 1.30 P.M. till 2.17 next day. After some further observations, he concluded by urging that the great expenditure which had been made for establishing this communication should not be lightly abandoned, least of all at the very moment when the harbours had been completed and adapted for superior vessels; and if the deputation should not have succeeded in convincing the Government, at least he submitted that they had laid reasonable ground for a Parliamentary inquiry into the subject."

Now, as to the prudence and wisdom of this new General (I may call it, I believe) General Post Office plan and decision. We are happily blessed not with what may be termed a departmental Government. This is very evident in our foreign affairs, and now seemingly in our Post Office arrangements. I have often complained how much each department for years has suffered through the decision of this question or another. Last year the decision was in the Admiralty; in consequence of some change, I believe, in making up the accounts, it is the Postmaster General's new arrangement. Now, I maintain the House has a right to know from the Postmaster General what the details of the plan are, what his contracts have been, and with whom. Why is all this to be smuggled over, the public knowing absolutely nothing but that they have lost the convenience of the harbours, and many poor persons are ruined? With all respect for the noble Marquess, he seems alone to have become the *entrepreneur* with some railway or steam company, not with his own money, but the public money, to give cheaper and better conveyance than that which exists, with which, however, the country is entirely satisfied, and has demanded no change. My Lords, we have examples that plausible new schemes truly into strange bubbles in these days of progress. I have no great faith in the noble Marquess's experiments to economise, except they are put to his credit in Cabinets in saving the Exchequer. The noble Marquess issued the other day a notice to all householders to cut slits in their fine mahogany doors, with a box behind, for the celerity of the Post Office letter carriers. Why, such boxes would be receptacles for all anonymous letters, petitions, &c., directed to the House. All letters then must be taken in. The inconvenience of these letters being delayed if addressed to persons supposed to be at a house, and were not so, must be obvious. Here, again, like this trivial arrangement, appears to be more haste and worse speed. But the point, above all others, that astonishes me, is, that the Postmaster General, an Irishman, who ought on that score to promote the communication between the two islands—who ought to be aware of the destitution of our population—who ought to lend a fostering hand to his unfortunate countrymen—is actually the hand that strikes the blow. He should have remembered that the rate in aid was inflicted on Down to aid the southern unions, and he should have scorned to deprive the towns whose inhabitants have settled near these harbours, and get their daily bread and employment therefrom, under the belief they would ever remain permanent, of the small advantages they now reap. But, my Lords, I say we have a right to have these contracts before us, and see now who we are to depend on. And now with regard to the economy of the new arrangement in preference to the old plan, and with a knowledge of what we are to lose, your Lordships, I trust, will agree with me, that we ought to have an inquiry, more especially if the harbours are now given up, and the contracts only for a short period. We are likely in some few years to be in a situation, when the railroad is completed from Dumfries to Kirkcudbright, deeply to lament our shortsighted policy; and Parliament may be called again at a very large and heavy expense to reopen the harbour, repair the works, and send those boats for safe passage there which they now refuse. The harbour, I believe, costs the country now somewhere about 2,000*l.* per annum. Put an end to this. The mail must still run to Port Patrick. No saving as to the mail would accrue. Something seems intended by the Admiralty as to keeping the harbours. Are they to have boats, and what boats? Under what orders or directions are they to be placed for passengers? In short, will the noble Marquess place on this table a short account of his project, the expenses to be incurred by it, the expenses of the present arrangement, and let us actually see the amount in pounds, shillings, and pence, for which this deplorable sacrifice of that part of the country is to be made by Her Majesty's Government? I am well aware I have taken up your Lordships' time too long, but I also beg to inform you I placed a petition directed to Her Majesty in Lord John Russell's hands, from and signed by an immense population in the interested districts; and to this I have, as yet, received from the Secretary of State no reply. I left the petition with Lord John Russell for Sir G. Grey. Her Majesty's Government are wrong, if they deem no reply necessary to this appeal. They are not aware how dear Her Majesty is, how anxiously she is looked up to, and what sacrifices for her immediate person all grades in Ireland would make. They have appealed to Her Majesty herself, and many who do not know Her Ministers think they may not have appealed in vain. Deeply have they ever felt, especially in their late destitution, Her Majesty's liberal and generous aid to Ireland, and I am sure it is with heartfelt gratitude they will hail her late large donation of five hundred guineas. But, my Lords, what Ireland all over would value ten times more, and hail with a universal shout from one end of Ireland to the other, would be Her Majesty's presence on her Emerald Isle. I have always sincerely lamented that successive Governments seem to have been afraid of advising this excursion and visit. One year the monster meetings and O'Connell prevented it; another year, the Irish clubs; now, I suppose, it will be the destitution and poverty of the aristocracy. All these, in my mind, are and have been ill-judged excuses. The Government may depend upon it, that whatever may happen to my unfortunate country—more sinned against, I think, than sinning—or however She may be governed by the advice of a weak and misjudging Ministry, there is at the bottom of such hearts a devotion to loyalty, above all, a devotion to the most interesting Monarch that ever sat upon a Throne. In short, if She came amongst them, and showed her compassionate and sympathising feelings at the present crisis, Her reception might for the moment, by the ecstacy it would create, put the rest of her dominions out of her head. She might not be received as in luxurious England, in towers and gorgeous palaces, but she would have far beyond outward splendour, the offerings in humble abodes of the enthusiastic loyalty of the most grateful and affectionate people over whom she reigns. He begged to move—

> "That a Select Committee be appointed to inquire and examine into the Expediency and Advantage of removing the Post Office Packet Station and Communication between the South-west of Scotland and the North of Ireland; and to ascertain the public Grounds upon which the safe Sea Passage of Eighteen Miles between the Harbours of Port Patrick and Donaghadee is to be now abandoned, and those Harbours which have cost the Country nearly 400,000*l.* consequently ruined, in order for the sake of a trifling Saving to substitute a long Sea Voyage of Ninety Miles from Greenock to Belfast, which is now the Object proposed by Her Majesty's Government; and to report thereon to the House."

The EARL of CAWDOR did not rise for the purpose of prolonging the discussion which the noble Marquess had introduced, but to suggest that the inquiry should be extended to the route between Milford Haven and Waterford. Everything had been commenced for establishing that communication between the two countries; but last year, without any notice whatever to the parties interested in the project, it was suddenly abandoned; and, in consequence, a letter sent from any part of the west coast south of Holyhead to Waterford and Cork, had to go round by Holyhead and Dublin. Now, if it was worth while to assist the establishment of the route from London, *viâ* Holyhead, surely it was of equal importance to open a communication between the mineral districts of England and those of Ireland; and he hoped an opportunity would be afforded to the advocates of the plan for stating their case. It was with that view that he should propose to introduce into the Motion, after the word "Government," the words "and also to inquire into the reasons which have led to the abandonment of the Post-office communication between Milford Haven and Waterford."

The EARL of HADDINGTON said, a good deal of controversy had taken place upon the question, of whether the long land conveyance, with a short sea voyage, was preferable to a long sea passage and short land route; and during the dispute a large amount of public money was spent in trying experiments, which were said to have eventually established that the former mode of travelling was generally more successful and more to be depended upon than the latter. Much of his attention had been taken up with the subject, and as he certainly agreed with that result, he could not help thinking that some inquiry was due in this instance.

The MARQUESS of CLANRICARDE was not desirous of withholding any information on the subject; but really, in his opinion, it was hardly one requiring the investigation of a Committee. It was a question that their Lordships could examine and determine upon at once, rather than wait for the report of a Committee on a matter of detail, which ought to be left in the hands of the Post Office authorities; and if their Lordships determined to go into a Committee on the subject, it seemed to him that there could hardly be any trifling detail connected with any department of the State, which their Lordships might not be called upon to inquire into. With reference to the merits of the case itself, he had no doubt whatever that he should be able to convince their Lordships that the change was not adopted with a view to any petty economy, but that it was thought, after due deliberation and minute inquiry, to be for the convenience of the public. He regretted to hear from the noble Marquess that the change was likely to seriously deteriorate the value of property in Ireland, though he could not coincide with him in some of his arguments, or give full credit to all his statements. It had always been admitted, both in and out of Parliament, that the best principle upon which to conduct the postal arrangements of the country was that which secured the greatest amount of public convenience and advantage at the smallest possible cost; and although he was quite willing to agree with the noble Marquess, that in establishing a steam-packet communication, Government was not so much bound to look to the expenditure as to the general benefit it was likely to confer on the country, he was far from admitting that this rule held good in all cases. In the case of the Holyhead station, the ground upon which the Government of Sir Robert Peel decided upon inducing parties to advance money for the formation of this harbour and railway, by undertaking to pay a certain sum for the conveyance of the mails when the works should be completed, was not so much that the undertaking would facilitate the transit of letters, as that it would confer large and lasting benefits upon the two countries. Under ordinary circumstances, and acting upon the prevailing principle which regulated the management of the Post Office department, such an expenditure never could have been justified; but the case now before their Lordships was an entirely different one. He entirely agreed with the noble Earl who last addressed the House, that, generally speaking, the short sea passage was a most desirable object to obtain in all postal communications; but here, again, there were exceptions to the rule, for there was another great principle which ought not to be lost sight of by the Post Office, and that was to follow the routes which public opinion and long usage had decided to be the best means of transit. Now, if there were any community in the united kingdom who were well qualified to form an opinion upon the immediate subject under discussion, as well as of the value of time in the transit of correspondence relating to trade and commerce, it was the manufacturers of Glasgow on one side of the Channel, and the merchants of Belfast on the other. Well, then, it might not be known to their Lordships, but it was a fact, that there were many steam packets trading between Belfast and Scotland, and had been so doing for years, without receiving any aid or encouragement from the Government, and many thousands a year were annually expended in keeping up this long sea-voyage communication, so convenient was it found to the trading public on both sides of the Channel. But he would take leave to point out to their Lordships some details connected with this matter, which would more immediately concern the noble Marquess and his case for inquiry—namely, as they would show the effect the proposed change would have upon the time of transit of the correspondence of these countries. He was sorry that he had not got a continuous return for the year of the letters carried between Ireland and Scotland by the two routes referred to in the Motion of the noble Marquess; but the figures he was about to mention would furnish their Lordships with some notion of what the feeling of the public must be upon the merits of the two passages. In the first fortnight of the month of January there passed through the Edinburgh Post Office, to go to Ireland by way of Glasgow, 21,000, and coming from Ireland to Edinburgh and Glasgow in return, there were 23,000 letters, making in all 44,000; while, on the other hand, for the same period, the number of letters passing from Scotland to Ireland, by way of Port Patrick, was 8,000, and coming from Ireland in return, 6,000, making 14,000. And their Lordships must bear in mind that these figures did not include the letters from Paisley, and other towns in the neighbourhood, that made up bags of their own; and, therefore, he was disposed to tell their Lordships that not only five-sixths but nine-tenths of letters passing between Ireland and Scotland went by way of Glasgow. Now, what would be the effect of the proposed change on the transit of the letters, so far as time was concerned? Why, simply this. At the present time, letters leaving Glasgow and Paisley at half-past four P.M., reached Belfast at nine the next morning; by the proposed route, letters would leave Glasgow at six, instead of half-past four, and reach Belfast at about five the next morning, in time for the first daily delivery. By the return passage, letters at present leaving Belfast at a quarter past seven in the morning, would reach Glasgow and Paisley about two o'clock the following night, in time for the first delivery of the following day. By the proposed route, the letters would leave at seven o'clock in the evening, after the business of the day was over, and reach Glasgow and Paisley about six o'clock the following morning, in time for the first delivery. With these facts before them, proving, as they did, beyond all question, that public feeling was in favour of the change, as it was more favourable to public convenience, was it reasonable or just that Government should be called upon to go to the expense of maintaining a harbour, and a first-class fleet of vessels, for the sake of keeping up a means of communication which the public neglected, for what they consider to be a much better, inasmuch as it was a far more convenient route? On these grounds, then, he insisted that no case had been made to justify their Lordships granting an inquiry. It was perfectly ridiculous to urge upon him that his refusal would be taken in Ireland as evincing a disposition, on the part of the Government, to treat slightingly her claims to the best and speediest communication with this country. Since 1845 or 1844, when the Chester and Holyhead Railway Bill was passing through its various stages, that question was fully considered by Parliament; and every party of intelligence and influence in the State pronounced then that that line of railway ought to be made the direct means of communication between the two countries. It was that understanding which induced Sir Robert Peel's Government to make the contract he had already referred to; and whatever the noble Marquess might think of this, he was convinced that the majority of their Lordships would agree with him that the arrangement so made was a wise and judicious one, and one, too, in every way likely to produce the benefits for Ireland originally contemplated from it. Some allusion had been made to the opinion of Sir John Rennie upon the merits of the two routes. Now, no doubt Sir John Rennie held a prominent position in the engineering profession; but he could not consent to take his opinion against that of distinguished naval officers who had been employed to examine into, and give an opinion on, the subject, such as Captain Evans, Captain Beechey, and Captain Washington. In conclusion, he would again repeat, that in making this change, Government had done what they thought was best for the public good, and not in the hope of effecting a paltry saving in the Post Office expenditure; but, even supposing that it was, he appealed to their Lordships whether, for the sake of keeping up a place which the noble Marquess said could not pay its poor-rates of 6*d.* in the pound without it, he ought to put the country to the expense of an inconvenient packet station? He had always understood it to be objected to many of the naval and military stations in Ireland, that they were kept up, not for the good of the public service, but for the benefit of towns; and it had always been found impossible to justify their continuance with such an argument. He hoped, then, it would not be allowed to prevail in this instance, though he could assure their Lordships that it was not any motives of economy, but a desire on the part of Government to meet the public wants, that had led to the proposed change.

The EARL of GALLOWAY said, that if he could be satisfied that the public service would be really better served by the change, as the Postmaster General had stated, he hoped that the circumstance of his connexion with that part of the country in which Port Patrick was situated would not induce him to take any part in opposition to the change; but, independently of what was stated in the petitions presented to the House, he thought he had heard sufficient to show that it was a question upon which there was great difference of opinion. The Postmaster General had referred to the opinions of distinguished naval officers against the communication between Port Patrick and Donaghadee; but a noble Lord who had not long since held the office of First Lord of the Admiralty (the Earl of Haddington) had stated that when he was in office the subject was mooted, and an inquiry made, and he satisfied himself, upon the authority of parties as competent as any to form an opinion, that it was desirable to keep up that communication. It was in vain to seek to conceal that former Governments had called upon the nation to spend large sums of money in establishing that communication, in the full belief that they were acting for the public advantage. It so happened, however, that the advantage of the short sea passage in question was neutralised by their mismanagement of the postal arrangements by land; and he considered that that formed an additional reason for an inquiry whether some change might not be made in those arrangements by which the full benefit of the short sea passage might be obtained. It should not be overlooked either that there was a variety of interests involved in this question. He admitted that if it could be shown that a great saving was to be effected by the proposed arrangement, the consideration of private interest should be set aside; but the saving contemplated was comparatively small. It was no doubt the duty of the Postmaster General in the management of his department to introduce into it all the economy he could; still the Government of which he was a member might look to considerations of a national kind, and the effect which changes of this kind had upon certain districts. There was but one opinion of the desirableness of a rapid communication being kept up, if possible, between those parts of the empire which were disunited by the narrow channel referred to. The noble Marquess had told them that a railway to Port Patrick was in contemplation, though, owing to the unfortunate monetary condition of the country, it had not yet been accomplished. Now, there was not the least doubt that the removal of the packet stations would discourage the zealous carrying forward of that project. There was no doubt that the traffic on that passage had considerably fallen off; but a communication had been sent to him showing that, with a good steamer and better arrangements, the traffic would revive. If it could be shown, after due inquiry, that the station ought to be abandoned, then he should himself be satisfied, and he thought the parties who had approached the House would be satisfied also; but he could not conceal from himself that an enormous amount of public money had been expended upon that line, which, if a change took place, would be to a great extent lost; that the rapid communication between the south of Scotland and the north of Ireland would be deteriorated, and the property of a vast number of individuals situated in the neighbouring towns greatly injured. He would not call the interests of those individuals "vested interests," but certainly it was a species of interest with which they ought not to interfere without a sufficient cause being shown, for as yet that had not been done.

The Marquess of LONDONDERRY said, that in the then thin state of the House he was not disposed to press the Motion to a division, because he believed, if he did, the Government would carry the question against him; but he begged to give notice that on a future day he would move an address to Her Majesty on the subject, and that he would previously move for copies of all the communications that had passed between the parties contracting and the Postmaster General relative to this change, and also for copies of all the contracts that had been made. In the meantime, he begged to withdraw the Motion he had made.

Motion and proposed Amendment, by leave, withdrawn.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 25, 1849.

Minutes.] Public Bills.—2° Militia Ballots Supension; Juvenile Offenders and Small Larcenies.

3° Transportation for Treason (Ireland).

Petitions Presented. By Mr. Bouverie, from Port Glasgow, against the Marriages and Marriage (Scotland) Bills; from Rutherglen, against the Lunatics (Scotland) and the Registering Births, &c. (Scotland) Bills; and from Dumbarton, against the Public Health (Scotland) Bill.—By Mr. Law, from Owners of Tithe Commutation Rent Charge, for an Alteration of the Law respecting Tithes.—By Mr. R. Hildyard, from Whitehaven, for Repeal of the Duty on Attorneys' Certificates.—By the Sheriffs of London, from the Lord Mayor, Aldermen, and Commons of the City of London, for Revision of the Bankrupt Laws.—By Mr. Thicknesse, from Wigan, in favour, and from Liverpool, for an Alteration, of the Bankrupt Law Consolidation Bill.—By Mr. C. Anstey, from Hercules Ellis, Barrister-at-Law, Dublin, for Inquiry respecting the Conduct of the Judges of the Court of Common Pleas (Ireland).—By Sir H. Meux, from Watton, Hertfordshire, for Encouragement to Schools in Connexion with the Church Education Society for Ireland.—By Mr. Thomas Duncombe, from Westminster, against the Friendly Societies Bill; from Finsbury, for the Establishment of Home Colonies; and from Ashton-under-Lyne, for an Alteration of the Law respecting Mines, &c.—By Sir W. Somerville, from St. John Mason, Barrister, for an Alteration of the Law respecting Leases for Lives (Ireland).—By Mr. Law, from the Irish Society, against, and by Sir R. Ferguson, from Londonderry, in favour of, the Leasehold Tenure of Lands (Ireland) Bill.—By Mr. J. B. Smith, from Dunfermline, for Reform of the Parochial Schools (Scotland); and from Stirling, for an Alteration of the Public Health (Scotland) Bill.—By Mr. Coles, from the Clutton Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Masterman, from several Parishes in London, and by other hon. Members, from a Number of Places, for the Suppression of Promiscuous Intercourse.—By Sir H. Davie, from Dunbar, against the Police of Towns (Scotland) Bill.—By Mr. J. Greene, from the Union of Callan, for the Promotion of Public Works (Ireland).—By Mr. P. Miles, from Bristol, for an Alteration of the Sale of Beer Act.

TRANSPORTATION FOR TREASON (IRELAND) BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. NAPIER rose to move, as an Amendment, that the Bill be read a third time this day three months. He did not oppose this Bill on the ground of any of the circumstances connected with the particular case of Mr. Smith O'Brien and his associates; but the punishment now sought to be carried out could not be executed without the intervention of the Legislature; and he held that it was contrary to all constitutional principle to ask the Legislature to enable the Executive to pass a punishment upon a man by *ex post facto* legislation, after judgment had been pronounced. Clearly the present law either gave the power to commute the sentence to transportation, or the present state of the law rendered the power doubtful. If the power to inflict this punishment was clear, then the Government ought to carry it out on its own responsibility; and if the power was not clear, then it was manifestly opposed to the spirit of the constitution to inflict this punishment on this man by *ex post facto* legislation. On the sole ground, then, of the unconstitutional nature of this measure, he felt bound to move this Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Mr. J. O'CONNELL seconded the Motion.

Colonel RAWDON said, that Mr. Smith O'Brien had long been a useful Member of that House, and had been known for many years as one who was not intemperate in language. Only six years ago that Gentleman had moved for a Committee to take into consideration the state of Ireland, with a view to the redress of grievances; and in bringing forward that Motion, he said he was not an agitator, but was sincerely desirous of living a tranquil life in his own country, surrounded by a happy and contented people, and that all he sought for was a redress of grievances. Those grievances the hon. Gentlemen now sitting on the Treasury bench then acknowledged, and supported Mr. S. O'Brien in his Motion. The House ought, then, to consider the causes that to some extent had driven him into the subsequent course he had pursued, and remember that those causes, with the exception, perhaps, of the case of Maynooth, which he (Colonel Rawdon) thought had been rightly and liberally dealt with by the right hon. Baronet the Member for Tamworth, still remained. If the Whigs had been in opposition instead of being in the Government, this would be considered as an *ex post facto* law, without reference whatever to the question whether it tended to mitigate or make more stringent the punishment of any individual; and considering, as he did, that it was to bring in a punishment referring to a foregone act, he should, upon general constitutional grounds, vote against the third reading.

Mr. SPOONER said, this was a great constitutional question, and he thought that the opposition to be offered to this Bill ought to be strictly confined to constitutional grounds. It was clear, after the Bill had been sent down from the House of Lords, the highest legal authority of the country, although it had not sat judicially on the question, that the present state of the law was admitted to be doubtful with respect to the power to transport these prisoners; and why ought not the great rule of criminal law to be adhered to in this case, of giving the prisoners the benefit of the doubt? Did the hon. and learned Gentleman the Attorney General give any reason for passing this Bill? No, the hon. and learned Gentleman merely said it would be very inconvenient to the House, that this cause in the course of the autumn should be argued in the Irish courts; and for the mere question of convenience it was proposed to pass an *ex post facto* law to place the prisoners in a worse position than they now are in. If there were doubts with respect to the law, there were courts where they could be settled, and the prisoners should be left to make their appeal to those courts, however inconvenient it might be, rather than run the risk of having an infraction of the constitution. He begged to call the attention of the hon. and learned Gentleman to the fact, that he had not answered the appeal made to him by the hon. and learned Gentleman the Member for the University of Dublin. He had put a question to him on broad, strong, simple, and constitutional grounds, and had placed him in this dilemma—the Bill was necessary or it was not; if it were necessary, he had no right to pass an *ex post facto* law; if it were not necessary, he had no right to come down to Parliament to ask them to pass a measure which on the very face of it was an infraction of the constitution. He (Mr. Spooner) trusted that hon. Gentlemen who had come there without any party feeling, and who were desirous to give a conscientious vote, would pause until the hon. and learned Gentleman answered the question.

Sir G. GREY said, it was satisfactory to perceive, from the speeches of the hon. Gentlemen who moved and seconded the Amendment, that the case was so clear that they expressed an opinion that the Bill was objectionable because it was unnecessary, and because there was power in the Crown at present to mitigate the sentence to transportation, without going to Parliament at all. That was his (Sir G. Grey's) impression; and in answer to the question put by the hon. Gentleman, he might merely refer to what his hon. and learned Friend the Attorney General had said, on a former occasion, that in his opinion the power did exist in the Crown, and though doubts had arisen, they had no existence in his bosom. However, the Lord Lieutenant, having consulted the law officers in Ireland, thought it expedient to suggest that this Bill should be proposed. The measure came down from the other House with the opinion of high authority that no such doubts existed in their mind; but at the same time it was thought that the proper course to take was to propose the Bill. With regard to the allegation (which was rather inconsistent with the belief that the power rests in the Crown) that the Bill was one to enable the Crown to aggravate the punishment of the prisoners, he (Sir G. Grey) denied that such was the object of the Bill. The legal position of the parties was that of persons whose lives were forfeited after trial and sentence, and it was only by the mercy of the Crown extended to them, or supposed to be extended to them, that their lives were spared. It was not a Bill to enable the Crown to aggravate the punishment of the prisoners, but was a Bill to enable the Crown, looking at it as a legal offence, to exercise its leniency by that mitigation of punishment which, in this country, was exercised with regard to this offence, and in Ireland with regard to some cases of capital felony. He denied that that was a practical aggravation of punishment, as had been stated by an hon. Gentleman, who said the Crown had the power, by reprieving from time to time, to imprison for life. He (Sir G. Grey) now asked the House to consider whether imprisonment for life under such circumstances, would not be a more severe sentence than transportation? He must give an explicit contradiction to the statement of his hon. Friend, that this was a Bill to enable the Crown to aggravate the punishment: it was merely a Bill to remove all doubts as to the power of the Crown thus to mitigate the punishment in cases of treason.

Mr. F. O'CONNOR reminded the House that the right hon. Baronet had admitted, that it was in consequence of the doubts of the Lord Lieutenant as to the power of the Crown, that this Bill had been introduced. Considering these doubts, and the haste with which the measure had been passed by the other House, they ought in that House to pause and give a mature consideration to any measure which, like the present, was an infringement of the constitution.

Mr. SHARMAN CRAWFORD opposed the Bill as dangerous to the constitution. If there were any doubts in the case, they ought to be solved in favour of the prisoners. There was no precedent, he believed, in the history of our statutes for Parliament interposing between the courts of law, and the appeal of an individual to these courts. He was surprised that the hon. and learned Member for Sheffield had not stood up in defence of constitutional law. The measure was dangerous to civil liberty in England as well as in Ireland.

Mr. REYNOLDS denied, as had been said, that those who opposed the Bill were recording their votes against an act of mercy. The contrary was the fact—they asked for a merciful consideration of the case of those gentlemen. They asked that, inasmuch as they were not to be hanged, they should get the benefit of the doubt that was raised in their favour, and that the prisoners might be either confined during Her Majesty's pleasure, or some smaller punishment might be inflicted upon them. He would ask the right hon. Gentleman the Chancellor of the Exchequer, whether one million from the public treasury had not been expended to enable them to transport Mr. Smith O'Brien and those other persons? He was told that was an exaggerated calculation, but he was prepared to work out the figures. From the commencement of the proceedings they had to maintain 30,000 troops in Ireland. [An Hon. Member: 40,000.] He was told there were 40,000 there, so he would strike an average, and say 35,000; and when they came to calculate the expense of those troops, they would find that the army in Ireland had cost half-a-million in the course of the last two years more than the army cost in the two preceding years; and if they calculated the law and constabulary expenses, he was guilty of very little exaggeration when he said those proceedings would cost a million of money.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 159; Noes 27: Majority 132.

List of the Ayes.

Alcock, T.
Anson, hon. Col.
Ashley, Lord
Bailey, J.
Baines, M. T.
Barnard, E. G.
Barrington, Visct.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blackall, S. W.
Blair, S.
Bowles, Adm.
Boyle, hon. Col.
Brand, T.
Brisco, M.
Brown, W.
Bruce, C. L. C.
Buck, L. W.
Bulkeley, Sir R. B. W.
Buller, Sir J. Y.
Buxton, Sir E. N.
Campbell, hon. W. F.
Charteris, hon. F.
Christy, S.
Clements, hon. C. S.
Cocks, T. S.
Cole, hon. H. A.
Colebrooke, Sir T. E.
Cowan, C.

Dalrymple, Capt.
Davie, Sir H. R. F.
Denison, W. J.
Denison, J. E.
Divett, E.
Drummond, H.
Drummond, H. H.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncan, G.
Duncuft, J.
Dundas, Sir D.
East, Sir J. B.
Ebrington, Visct.
Ellice, E.
Ellis, J.
Farnham, E. B.
Farrer, J.
Fergus J.
FitzPatrick, rt. hn. J. W.
Fitzroy, hon. H.
Foley, J. H. H.
Fortescue, hon. J. W.
Freestun, Col.
Glyn, G. C.
Goddard, A. L.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Gwyn, H.
Hallyburton, Lord J. F.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hawes, B.
Heathcoat, J.
Heneage, G. H. W.
Henley, J. W.
Henry, A.
Heywood, J.
Heyworth, L.
Hope, Sir J.
Hughes, W. B.
Humphery, Ald.
Jervis, Sir J.
Jocelyn, Visct.
Jones, Capt.
Kershaw, J.
Kildare, Marq. of
Labouchere, rt. hon. H.
Lacy, H. C.
Lascelles, hon. W. S.
Lewis, G. C.
Lewisham, Visct.
Lindsay, hon. Col.
Loch, J.
Lockhart, W.
Lygon, hon. Gen.
Macnaghten, Sir E.
Mahon, Visct.
Maitland, T.
Mangles, R. D.
Masterman, J.
Matheson, Col.
Meux, Sir H.
Miles, W.
Molesworth, Sir W.
Moody, C. A.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mullings, J. R.
Mundy, W.
Mure, Col.
Norreys, Lord
Ord, W.
Oswald, A.
Pakington, Sir J.
Patten, J. W.
Peel, rt. hon. Sir R.
Pennant, hon. Col.
Pilkington, J.
Pinney, W.
Plowden, W. H. C.
Price, Sir R.
Ricardo, O.
Richards, R.
Robinson, G. R.
Roebuck, J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Sandars, J.
Shafto, R. D.
Sheil, rt. hon. R. L.
Sidney, Ald.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smyth, J. G.
Smollett, A.
Somerville, rt. hn. Sir W.
Stanley, hon. E. H.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Talfourd, Serj.
Thesiger, Sir F.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Trelawny, J. S.
Trollope, Sir J.
Vesey, hon. T.
Villiers, Visct.
Villiers, hon. C.
Villiers, hon. F. W. C.
Vivian, J. H.
Watkins, Col. L.
West, F. R.
Wilcox, B. M.
Wilson, M.
Wood, W. P.
Young, Sir J.

TELLERS.

Tufnell, H.
Bellew, R. M.

List of the NOES.

Anstey, T. C.
Browne, R. D.
Butler, P. S.
Crawford, W. S.
Devereux, J. T.
Dickson, S.
Douglas, Sir C. E.
Dunne, Col.
Fagan, W.
French, F.
Godson, R.
Grace, O. D. J.
Greene, J.
Lawless, hon. C.
Meagher, T.
Mahon, The O'Gorman
Monsell, W.
Muntz, G. F.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir L.
O'Connell, J.
O'Connor, F.
Rawdon, Col.
Reynolds, J.
Roche, E. B.
Sullivan, M.

TELLERS.

Napier, J.
Spooner, R.

Main Question put, and agreed to.
Bill read 3°.

MR. ANSTEY then moved, as an Amendment, to omit at line 15, page 1, the word "transportation," and insert "imprisonment during the Queen's pleasure, or banishment." The House having affirmed the third reading of the Bill, it only remained for him to make one last attempt to mitigate the severity of the Bill, and to take away some portion of the unconstitutional character that belonged to it. The "Queen's pleasure" might extend to imprisonment for a term of years, or for a few months, or for life; but even the latter punishment in severity fell short of the punishment of transportation, which not only oppressed, but, far more, contaminated. The punishment of transportation to a penal colony had been condemned by almost every successive Government, and it was already in course of extinction. The hon. and learned Member proceeded to quote the evidence of the Bishop of Tasmania in proof the corruption of morals and prevalence of degrading and unnatural practices among the convicts of Van Diemen's Land, and protested against subjecting gentlemen of birth and education to the degradation of contact with such persons. If the House passed this Bill, it would be impossible for the Government not to consign Mr. Smith O'Brien and his associates to this horrible captivity in a penal settlement; they would take away all discretion from Her Majesty's Ministers, and the Home Secretary would not dare to make an exception in their favour from the treatment to which all convicts on their arrival were necessarily subjected. The punishment of imprisonment was what they were liable to now at common law, and his Amendment would take away the *ex post facto* character of the measure, and would be a declaration of the present state of the law.

The ATTORNEY GENERAL, in opposing the Amendment, stated that the object of the Bill was to set at rest doubts which had arisen with respect to the power of the Crown to transport a prisoner convicted of treason. In the present case, the prisoner was by law a convicted felon, and as such liable to the sentence of death; and the object of the Amendment of the hon. and learned Member would be to compel the Crown to the adoption of one of two courses—either to hang or imprison the parties. He was surprised that the hon. and learned Member should covertly put forward an Amendment the very effect of which would be to defeat the object of the Bill. It was the wish of the Government to assimilate the law as it existed both in England and Ireland; and he trusted that the House, by rejecting the Amendment, would prevent any restriction being placed upon the exercise of the Royal prerogative.

Dr. POWER considered that it was neither necessary for the ends of justice, nor required by the public opinion of the country, that Mr. Smith O'Brien, who was a noble and honourable-minded man, and whose only crime was that he had loved his country too well, should be subjected to the degradation and pollution referred to by the hon. and learned Member for Youghall; he should therefore support the Amendment, the effect of which might be to allow those unfortunate persons, if banished, to lead an honourable career in some foreign land.

Mr. DICKSON also appealed to the magnanimity of the noble Lord at the head of the Government, in whose ranks Mr. Smith O'Brien had often voted, in behalf of the unfortunate prisoners. He believed that thousands would hail with delight and gratitude any extension of the clemency of the Crown to these gentlemen for the paltry, petty, cabbage-garden affair—rebellion he would not call it—in which not a drop of blood was shed, and in which no attack was made upon the rights of property. Nothing would pacify Ireland so much as an act of clemency to these persons. He must ask the House, would there not be sufficient punishment in allowing those unfortunate men to transport themselves?

Question put, "That the word 'transportation' stand part of the Bill,"

The House divided:—Ayes 146; Noes 21: Majority 125.

List of the Noes.

Barron, Sir H. W.
Butler, P. S.
Crawford, W. S.
Devereux, J. T.
Dickson, S.
Fagan, W.
Greene, J.
Magan, W.
Meagher, T.
Mahon, The O'Gorman
O'Brien, J.
O'Brien, Sir L.
O'Connell, J.
O'Connell, M. J.
O'Connor, F.
O'Flaherty, A.
Power, Dr.
Roche, E. B.
Sadlier, J.
Somers, J. P.
Sullivan, M.

TELLERS.
Anstey, T. C.
Lawless, C. J.

On the Question that the Bill do pass,

Mr. LAWLESS said, he was very sorry that in the course of the debate which took place on this subject there had been manifested so much of personal rancour. He earnestly hoped that nothing of that sort would operate in aggravation of the punishment to be inflicted on those unhappy gentlemen. He might venture to say, that there was no more loyal subject than he was; but, under the fullest influence of a sentiment of loyalty, he had opposed the Bill in every one of its stages.

Lord J. RUSSELL observed, that though in the course of the debates on that Bill, much had been said respecting the circumstances connected with those events which rendered such a measure necessary, and with regard also to the offences committed by the persons who had been convicted of high treason in Ireland, yet he and the other Ministers of the Crown had carefully abstained from saying anything which might imply a disposition to put forth such considerations as were calculated to aggravate the offence which those persons had committed; and Ministers had refrained from doing this in spite of the temptations—he might say the provocations—afforded by the speeches of those who would have the Government interfere with the functions of the jury and the judge. He believed that the advice given to Her Majesty in this matter was the advice of mercy, and he could, without hesitation, affirm that there was no vindictive feeling whatever. If, however, the punishment were to be lighter than the offence merited, there would be found in such a course great hazard to the peace of Ireland. Further, then, he thought that some marked warning ought by that measure to be held out to those who might be disposed to disturb the peace and security of Ireland.

Bill passed.

POOR RELIEF (IRELAND) BILL.

The House then resolved itself into Committee; Mr. Bernal in the chair.

The CHAIRMAN, after some observations, relating to the progress already made in Committee, put the words in the 8th line of the first clause—"it shall not be lawful."

Mr. STAFFORD said, he had some difficulty in knowing where to begin the discussion on which they were then about to enter; they would, however, have had no difficulty of that kind to contend against if it had not been for the surpassing folly of the hon. Member for Limerick, who some nights ago, at twenty minutes to twelve o'clock, excluded the reporters. As they had not had the advantage of debating in the presence of the reporters, it now became necessary that there should be a recapitulation of the arguments used by those who held that the clause imposing a maximum rate should be negatived. Taking the question as one to be decided by precedent, and following the analogy of the English poor-law, he should say that the experiment of a maximum rate had been tried in some districts of England, and he conceived it to have been a complete failure, though the rate had eventually been doubled. It had been tried in the 36th of George III., and in the 52nd of the same reign; but in both cases it had failed, and perhaps hon. Gentleman on the other side would be able to explain why it had proved a failure. In considering a question of this kind, it was to be borne in mind that the clause imposing a maximum rate would not alter the rate in aid. The House had already passed a rate in aid, but by the wording of the clause no increase of the rate in aid would affect the maximum. The rate in aid at a future time might be increased to 1*s.*, to 1*s.* 6*d.*, to 2*s.*, or to 2*s.* 6*d.*, but that would not lower the maximum. There could be no doubt that, in some form or another, the noble Lord would not allow his fellow-subjects in Ireland to starve; the great guilt, the great scandal that must attach to the starvation of a whole community, would lead any Minister, at almost any sacrifice, to prevent such a catastrophe. The measures which they were now engaged in passing, would, as they all must see, impose upon the north of Ireland the task of maintaining the poor of the other provinces. By the north he meant all the solvent unions. The prosperous, the solvent part of Ireland, would be called on to pay for the impoverished portion of the country; and, looking at the state of Ireland, he should say that they, the Ministers and the Parliament, had no security to offer to the public that there would be any permanency in the maximum rate. It might be 5*s.*, it might be 7*s.*; they had not, and, in the nature of things, they could not have, any security that such a rate would be permanent. It had been said that the purpose of introducing the clause respecting a maximum was to induce persons of capital to settle in Ireland; but let the House for a moment only reflect upon the probable state of affairs in Ireland. What chance had the solvent unions that the rate in aid would be temporary? And if the maximum rate were established, what chance was there that the people of Ireland would be allowed to starve? And as their necessities increased, so might the rate in aid be augmented and the maximum elevated. The solvent unions might administer the relief of the poor in a manner the most economical, but they could have no security that the less prosperous unions would do the same; on the contrary, they might do precisely the reverse; and the only security which the solvent unions could have must be, not in any particular provision of that Bill, but in the general spirit of a legislation designed for the purpose of stimulating industry, and not that of maintaining paupers. By the law of chargeability a pauper was asked where he came from? If he replied that he came from one of the electoral districts of the union, he was charged upon that; but if he came from a place outside the union, then he was charged upon the union at large. No pauper making a false statement incurred any penalty whatever—no board of guardians making a false allocation incurred any penalty, and the effect of leaving the law in that state must facilitate unfair practices. He never had heard any one say that the proposed maximum had anything to recommend it beyond this, that it was calculated to lure capital to Ireland; but for his part he should not recommend any one to purchase land in Ireland on the strength of that maximum. For these reasons, then, he must take the sense of the House against the maximum clause. He regretted that the hon. Member for Manchester was not then in the House, and he regretted that the right hon. Member for Ripon was leaving the House. He regretted that the hon. Member for Manchester was not present, as he wished that hon. Gentleman to hear a passage which he was about to refer to from a journal which in an especial degree was supposed to express the sentiments of the hon. Member, who was, he understood, to take the chair at an important meeting relating to this subject on Friday next. The passage in the *Daily News* contained a statement to the effect that local taxation could not be dealt with by Parliament to any good purpose, except by giving the ratepayers equal power to determine the amount of the rate, to direct its apportionment, and control its expenditure. The first clause of this Bill was in direct contradiction and antagonism to the principles there laid down, and he was therefore obliged to give it his unqualified opposition.

MR. J. O'CONNELL: The hon. Member for Northamptonshire had complained of what he called his (Mr. J. O'Connell's) surpassing folly in excluding the reporters. The hon. Gentleman had no right to make this complaint, for, thanks to the hon. Member for Tavistock, the statement then made by the hon. Member for Northamptonshire reached the public; and he now was afforded an opportunity of inflicting upon the House another sample of his surpassing self-sufficiency, prosiness, and emptiness. If they assented to the proposition first made, the landlords would soon have the people in their own power. They could then immure them in workhouses in such crowds that they would be soon carried off by disease and pestilence. He (Mr. J. O'Connell) had no suggestion to make, because he had no faith in the poor-law, and he did not think it could be made to work beneficially. He was, however, disposed to think that the maximum rate was much too high in the present condition of Ireland. He was of opinion that the maximum rate should not be higher than 2*s*. 6*d*. The further amount that might then be necessary for the support of the poor should be supplied first by a union rate — if that were found impossible, it should be by a national rate, or by an imperial rate if necessary.

SIR J. YOUNG observed, that the general opinion in Ireland seemed to be so much in favour of this Bill, and so many hon. Gentlemen had borne testimony to the advantageous effects it was likely to produce in many districts of that country, especially in the south and west, that he hoped the measure would receive the assent of the House. It was of the greatest importance that a feeling of confidence should be established in Ireland; and he believed that if some limit were fixed with regard to the amount of poor-rates to be levied, persons would be induced to invest their capital in that country, and the facilities for obtaining loans to be employed in the improvement of cultivation would be greatly increased. The amount of the rate upon the electoral division must be fixed with due regard to the amount which, in ordinary times, the country could support. The noble Lord at the head of the Government wished to fix the sum at 5*s*.; but he (Sir J. Young) questioned whether that sum would be sufficient for the proper relief of the poor, and it appeared that this view was taken by the noble Lord, as he now proposed to raise the amount to 7*s*., which was to be a union rate, and not confined to the electoral divisions; and this proposition was one which he (Sir J. Young) believed would attain the object which the noble Lord had in view. In the majority of unions in Ireland, the rate did not exceed 5*s*.; but that amount had been very considerably exceeded in the electoral divisions. The returns which had been presented to the House for the financial year, ending the 28th of September, 1848, showed that the noble Lord's plan, if taken as a whole, would be found to meet the exigencies of the case. The return to which he alluded proved that there was not a single electoral division in the province of Leinster in which the poor-rate exceeded 5*s*. in the pound. It would not be possible to isolate the 320 unions in Ireland; but, looking at the experience of the past, and regarding the plan of the noble Lord as a whole, he believed the maximum rate would meet the exigencies of the case, although in some electoral divisions the rate, he admitted, did exceed the maximum. In his own county, Cavan, the maximum rate would have met all the expenses necessary, because, in the electoral division in which the greatest distress prevailed, a rate of 2*d*. expended over the whole union would have been sufficient to meet the exigencies of the case. He had not found that the arrangement of the unions had been characterised by carelessness or laxity, and he believed, on the whole, that no danger of lax expenditure would result from throwing the additional rate upon the unions. He admitted that there was, to a certain extent, a choice of evils; but he did believe, looking to the whole case, and weighing those evils, that considerable advantages would result from adopting the principle of the noble Lord. It had been said that a union rating would tend to increase the expenditure; but from his experience he conceived that it would have a contrary effect, for he believed that under such a system the boards of guardians, knowing that any extra charge on a particular electoral division would be thrown upon the union at large, would scrutinise the expenditure very narrowly. It had been stated by more than one witness in the Committee upstairs, that the parties who looked most narrowly into the union charges were the *ex-officio* guardians; and he thought they might reasonably expect that when the electoral members of the boards became conversant with their duties, they would follow the example of the *ex-officio* guardians, and exercise also a strict supervision over the union charges. There was one point connected with the administration of the poor-law in Ireland, the importance of which, he thought, could not be overrated. Every witness who had been examined before the Committee upstairs, and every person conversant with the theory of the poor-law, had urged the necessity of providing extended workhouse accommodation in Ireland. It was necessary that new workhouses should be built, and that old workhouses should be enlarged, in order that a proper system of discipline might be enforced, and that sufficient accommodation might be afforded to the inmates. It had been stated before the Committee, that neither by the workhouse test, nor by the operation of any test, in the breaking of stones or otherwise, could they materially diminish the number of claimants for outdoor relief in the union of Ballinrobe—that the effort had failed to diminish them very materially; for although they were struck off for non-attendance in one week, they immediately made application again, and must be put on—and that he was of opinion that the only safety was in adhering to the workhouse test. Then the Earl of Clancarty, who resided almost constantly in Ireland, and who spent a noble fortune upon his own property, stated that a great number of additional workhouses had been taken in the Ballinasloe union, but that it was impossible to maintain order and discipline in those auxiliary houses, and it was found necessary, in order to carry out the poor-law, to make additions to the main workhouse. But the reasons assigned by the Earl of Clancarty for wishing to place the people in the workhouses were not mere reasons of economy, but reasons the force of which would, he thought, be admitted by every humane man. Earl Clancarty said—

> "Our experience of the outdoor system of relief last year, was such as to induce us at the earliest period to return to the workhouse system; we found that while that was prevailing the saving of fuel was almost entirely neglected, and that the farmers had great difficulty to contend with in getting their work done—a system of demoralisation had become very general among the poor, and their industrial habits had been altogether interfered with. For that reason, when the harvest commenced, having but fifty vacancies in the house at the time, we made an order for the general admission of all who were considered fit objects for relief who applied; they refused the workhouse; but from that time we were without any outdoor relief, except in cases of sudden and urgent necessity, which were always provided for, and we were without outdoor relief until the month of August, when the apprehension of the cholera made it indispensably necessary that we should be prepared to meet it by making room in the house, without it being too much crowded; but we have none of the system of relief under the 1st section of the Act."

This question was put to the noble Lord—

> "You found that when outdoor relief was given, the recipients declined to work for the farmers, or even to cut turf?"

And he replied—

> "We found that they neglected to cut their turf, and the consequence has been a most serious amount of suffering in the union; and that was one of the inducing causes of our adhering strictly to the indoor system of relief, because, when the people were in many instances houseless, and their fuel was so extremely scarce, and their clothing was so very deficient, it appeared that the mere issue of food would be a very inadequate mode of relieving them; and consequently we extended the workhouse accommodation to the extent of about 4,500, and we adhered to that system till the cholera was so prevalent in the neighbouring unions that it became necessary for us to make arrangements for its approach."

He (Sir J. Young) considered, then, that it was absolutely necessary that workhouse accommodation should be provided, where the poor might obtain proper clothing and shelter.

MR. CLEMENTS said, it was the opinion of those connected with Ireland that a maximum rate of 5*s.*, with 2*s.* added, would be ruinous to the country. He did not see, therefore, how such a rate could restore confidence. It was more likely to have the contrary effect. It was an opinion generally entertained, that the electoral divisions ought to be reduced in size, in order that the ratepayers might have greater facilities for diminishing pauperism. The poor-rate, it should be recollected, was a new tax in Ireland: it was one that had not yet entered into the social arrangements of the people, and therefore the imposition of an additional rate of 2*s.* in the pound on the net annual value towards the relief of those electoral divisions that were distressed, was looked upon with dismay. It would tend to discourage parties from investing capital in land, if they found that in proportion as they kept down the rate to a reasonable amount in their own divisions, they would be called upon to contribute towards other electoral divisions in the same union. The noble Lord at the head of Her Majesty's Government said that a union rate of two shillings in the pound would make a large sum of money available for the relief of the poor. He (Mr. Clements) wished to point out the fallacy of that expectation. In Munster, out of twenty unions, twelve of the electoral divisions were almost wholly at the maximum rate. It was therefore impossible to realise any considerable amount from the imposition of 2*s.* in the pound. He thought it better, in cases where an additional rate was necessary, to leave the matter to the discretion ef the Poor Law Commissioners, than to establish a maximum rate, which would be too low in unions not distressed, and too high in unions that were distressed. He should certainly give his support to the Amendment of the hon. Member opposite, which would do away with the necessity of establishing any maximum rate at all.

Mr. W. FAGAN said, that, as a choice of evils, he was in favour of a maximum rating; because he was aware, from his knowledge of a portion of Ireland, that, owing to the enormous amount of poor-rates, wealthy farmers were quitting the country, and the land was getting more and more out of cultivation; and in such a proportion were the rates increasing. It was impossible that the Incumbered Estates Bill could have any effect, unless there was a maximum rate. Capitalists would not purchase land subject to an unlimited rate as it at present existed. It would appear, from what fell from the hon. Member for Northamptonshire, that the great apprehension was that the 5*s.* rate would be exceeded, and that the maximum rate was a mockery, because it would be necessary to have a new Act of Parliament to save the lives of the people. When he recollected that the average amount of poor-rate in Ireland, in 1845, was but 5*d.* in the pound, that they had had three years of famine, and that notwithstanding the famine, only 280 electoral divisions had exceeded 5*s.* in the pound, he could not believe that the 5*s.* maximum rate would be levied. Some observations had been made as to the rates now due by the different unions in Ireland. If the famine were to continue, he admitted that the debts due to contractors would be in jeopardy; but as he believed that they had only legislated for the ordinary condition of Ireland, he thought that, although the House consented to fix a minimum rate, not one penny which was due to the contractors in Ireland would be lost. If, by some unexpected circumstances, this maximum rate should be ever exceeded, he believed that the same means of preserving the lives of the people would be adopted which had been heretofore adopted. These were his reasons for supporting the Government in this proposition of a maximum rate: he admitted that it was a choice of evils, but he acted according to what he conceived to be his duty.

Mr. H. A. HERBERT said, that, representing a large agricultural constituency which had paid more in rates than the proposed maximum in the Bill, it seemed an ungracious task to reject what appeared to be a boon and guarantee. He would accept that guarantee with thankfulness, if he could see that it was worth more than the paper it was written upon. The noble Lord told them they were to pay no more than 7*s.* in the pound; but the noble Lord had not stated what was to be done when that amount was reached; or rather, the noble Lord had said that when the maximum had been reached, the poor in Ireland were to go back to the resources which had existed previous to 1834, prior to the existence of a poor-law. What were those resources? The conacre. Everybody knew that whatever might happen, let there be crops or not, let there be another visitation of famine or not, the conacre was gone, and could not again be resorted to. What was another resource? The charity of the farmers? It was obvious that that source was exhausted, and that those who had been used to beg of the farmers would now beg in vain. Another resource was in the minority—he regretted to say—of Irish proprietors who resided on their property and did their duty; but could that source alone be relied upon? He believed that the promise held out by the noble Lord was a delusion, and meant nothing more than this—the people of Ireland were to be told that when the maximum was reached, they must starve. He was sorry to see so thin an attendance of Irish Members; but many of those present were members of boards of guardians. How, he asked, would they act if that which had occurred before were to occur again, when 1,500 or 2,000 people were turned back from the workhouse to die, and riots took place, and the military were called out? If the noble Lord had said that when 7*s.* in the pound had been paid out of the property of the country, and then that more than that amount was required in any district, that district was in an unsound state, and the necessary measures should be taken to render it in a sound state—that would have been intelligible; and he hoped the noble Lord intended to propose some such plan. But it would be more respectful to the House of Commons if the noble Lord would state distinctly what was to be done when that amount was reached. Unless some explicit declaration that this guarantee was not a mere delusion, were made by some Member of the Government, he should support the Amendment of his hon. Friend.

Mr. GROGAN had listened with much pleasure to the announcement of the noble Lord's intention to introduce a measure respecting a maximum rate in Ireland, because he (Mr. Grogan) believed that such a measure would induce capitalists to purchase property in Ireland, and thereby stimulate the industry of the country. But a perusal of this Bill of the noble Lord, had made him a decided opponent of any such measure. The Bill had now been before the House for a considerable time, and the public at large were acquainted with its provisions; but had it stopped the tide of emigration flowing from Ireland? Every hon. Gentleman connected with that country was aware that tide was moving onward with accumulated force. He had arrived at a conclusion the very opposite to that arrived at by the hon. Member for the city of Cork; for he believed that, instead of giving confidence to capitalists to purchase land in Ireland, it would even frighten away those who were at present unfortunately owners of land in Ireland. This Bill of the noble Lord contained a principle exactly the reverse of that which was in force in England. This country had adopted what was called "the rate-in-aid system;" but the courts of law had decided that before such a rate could be levied for the relief of any district, the resources of that district must have been thoroughly exhausted. If the hon. Member for Northamptonshire should decide on taking the sense of the House on his Amendment, he should certainly have his (Mr. Grogan's) support.

Sir D. NORREYS expressed his belief that, had the maximum rate been introduced into Ireland before the famine of last year, it would have tended to prevent the emigration now going on; it would have prevented the scenes taking place which had been alluded to by the hon. Gentleman opposite, of 1,500 or 2,000 people being turned away from the workhouses, for it would have covered the most extreme cases that had occurred. Out of the 130 unions in Ireland there was not one in which more than 7*s.* in the pound had been collected; and there were only seven in which 5*s.* in the pound was expended. He believed that there were only 11 out of the 130 unions in which 7*s.* in the pound was expended; and there only 24 in which 5*s.* in the pound was expended. Surely these figures went to show that this measure of Her Majesty's Government would not crush Ireland in the manner described by hon. Gentlemen opposed to the Bill. Those hon. Gentlemen had spoken against the measure, because, in their opinion, a maximum rate of 7*s.* in the pound was calculated to destroy all confidence in the owners of land in Ireland, and would deter capitalists from making purchases in Ireland; but he should like to be informed how an unlimited extent of liability was likely to inspire confidence. The arguments of the opponents of this measure appeared to him to be mysterious; he could not possibly comprehend them. He really believed that the absence of such a measure as this had inflicted immense injury on Ireland. The great evil under which that country laboured was want of confidence; but he firmly believed that this measure would restore to that afflicted land such a degree of confidence as would restore to her prosperity and happiness. Hon. Gentlemen had argued that this measure would have a demoralising tendency, but he was decidedly of a contrary opinion. He believed that it would improve the moral condition of Ireland, which the present system had rendered most deplorable. The maximum rate appeared to be absolutely necessary to preserve the lives of the poor population. How many farmers formerly comparatively wealthy had been driven from their property by these increasing rates?

And was it not natural, when a man saw the rates rising and running up around him as they did in the years 1847 and 1848, that he should feel it was hopeless to attempt to stem the current? As to the difficulties started by hon. Members about the probability of extravagant and useless expenditure being the consequence of a rate in aid, he considered that their best security against that lay in the interest which the ratepayers, the guardians inclusive, had in keeping the amount down. Nay, he believed that the effect of a maximum rate being fixed, would be to engage the poor themselves in seeing the poor-laws economically administered in the district, and that for their own sake. He confessed that the condition of the people of Ireland was morally degraded, and that there was no hope of elevating their moral position until, by securing property from unlimited liabilities, they encouraged the return of capital, with confidence to the country, and the revival of its commercial and agricultural concerns; and that such was likely to be the effect of this Bill was his firm belief, and therefore he should support it.

SIR J. B. WALSH expressed his regret that through so long a debate as had taken place that night, no Member of the Government had risen to explain or defend their views as to the working of this clause. He was opposed to the proposal of Her Majesty's Government. But while he was opposed to the principle of a rate in aid, of which he should say more when the clause came before the House, he said he felt inclined to support the Bill, not for the remedy which it proposed, but for the valuable admission in regard to an existing evil which it involved. Her Majesty's Ministers now virtually said by this Bill, that the landlords of Ireland and all the moneyed interests necessary to the well-being of the country, had been all but ruined by the system of taxation hitherto enforced, and they proposed therefore to fix a maximum rate. He said it was an undoubted principle, now virtually admitted by the Government, that taxation had a limit beyond which the effect of it was to destroy production; and hitherto his objection to the poor-law in Ireland had been the mode in which Her Majesty's Ministers had chosen to have it administered. He believed no one could read the papers which had been laid on the table of the House, without seeing that the evils of the country were aggravated, nay, that three-fourths of the distress had been occasioned, by the levying of the rates imposed under the poor-law. Indeed, there was no parallel to be found to their procedure in Ireland for the raising of the poor-rate, except in the despotic measures adopted by Mehemet Ali to raise the sums he chose to demand from the Fellahs of Egypt. The consequence was that the tenants were broken down, their cattle were being swept away, and poverty was increased in amount and aggravated in character, under the pretence of relieving the distress of the country. He believed, if the poor-law had never been passed, and if the country had been left to struggle through the season of famine at which it arrived, deriving such aid as it could from the good feeling its condition was likely to excite, it would have been in an infinitely better state than it now was in. Such was the opinion he had risen to state. He would give his vote in favour of a maximum rate, but he did not go to the extent of approving of a rate in aid in the union district.

MR. CORNEWALL LEWIS said, as the hon. Gentleman who had just resumed his seat, complained that no Member of Her Majesty's Government had risen to explain their views as to this clause, he should remind him that this was an adjourned debate, and that his noble Friend at the head of the Government stated in great detail his opinions the other day in respect of this very clause, so that the Committee were in full possession of the views of the Government. He said he had listened with some curiosity to hear whether any answer would be given to the clear and able speech of the hon. Member for Cavan; but he had heard nothing at all to interfere with the definite impression which his statements were calculated to make. Looking to the question now before the House, there were two ways of viewing it—first, as it was supported or not by precedents; or, secondly, as it rested on certain peculiar grounds specially connected with the present circumstances of the country. As to precedents for the Bill, he was ready to admit that there was no precedent for a fixed maximum rate on which the Bill could be rested. The only precedent, as far as he was aware, was that supplied by the highway rates in England. Hon. Gentlemen would be aware that a maximum per centage was fixed for that rate, beyond which, unless for certain special considerations, it could not be levied. That, however, was not a precedent which could be adduced in justification of this Bill; the two cases were different. The only other precedent was that adverted to by the hon. Member for Northamptonshire, who referred to it as proving the complete failure of a maximum rate to meet the expenditure necessary in England. He should call the attention of the House to the precise nature of that case. He said there never was, under the general poor-law of England, any maximum rate; but he believed there were certain local Acts for the counties of Norfolk and Suffolk, fixing a maximum rate for certain specified purposes. That rate was fixed about the middle of last century, when prices were low, and it was found to work satisfactorily for a considerable period of time. Towards the end of the century, years of scarcity succeeded, and in 1796 a general Act was passed, giving power to the counties he had named to exceed the limits previously fixed for the rating. That was a year of peculiar scarcity, the one, he believed, in which Mr. Burke wrote his *Thoughts upon Scarcity*. Afterward, a further change occurred, and about the year 1812, when the depreciation of the currency was greatest, this fixed rate again failed to work satisfactorily. But no wonder that it failed, for it was fixed when prices were low, and then was inadequate in a time of scarcity. In the present case, however, they were, in a time of scarcity, proposing to fix a rate which, for amount, was not likely to become inapplicable to the circumstances of future years. Abandoning precedents as the support of the Bill, and viewing it as resting on its own peculiar ground, he came to ask what those grounds were? After a series of years in which the potato crop had failed in Ireland, when the western and poorer parts of the country had been afflicted by a succession of years of scarcity, and also when a series of high rates had been exacted from a very wretched population for the amelioration of that scarcity, it was found that a state of panic was occasioned, that lands were no longer tilled, that tenants left their homes, some for America, others for different parts of Ireland, and as many as could to cross the water for this country. The landlords could not get their rents, and in many instances the state of the land almost resembled the devastation caused by an invading army. Such a state of things was unexampled even in Ireland. It became necessary, therefore, both for Government and for Parliament to apply a remedy, and the best mode of dealing with the case appeared to be to fix a limit beyond which the poor-rate could not be levied; for hitherto it seemed as if an unlimited poor-rate had discouraged agriculture. By the advice, then, of the Poor Law Commissioners, and those who were possessed of experience, Her Majesty's Government proposed to Parliament such a limited rate as would in their opinion give confidence to the inhabitants of the districts, while it was left sufficiently large to meet the necessities of the country. For 5*s.* was an amount countenanced by previous experience in the country, where, although in some cases a greater expenditure had been incurred, a larger rate had seldom been collected, and he doubted whether, if the distress had continued without a maximum rate being fixed, a larger amount would have been levied. 5*s.*, therefore, had been determined on as the maximum in the electoral divisions, with 2*s.* in aid in the union, and this extra rate was not likely to be called for the sooner because it had been provided for in the Bill. He said that many of the objections which were urged to different heads of the Bill implied a variety of questions which it was necessary to have settled before they could proceed to determine as to the propriety of passing the Bill. One of those questions was, whether they were legislating on the assumption that the present state of famine was to continue, or on the assumption that they were to have the ordinary production of food in the country. He thought they must legislate upon the assumption that the ordinary production of the potato crop would be restored. They could not assume the continued failure of the potato crop, for if they were to suppose a continuous state of scarcity, the supposition was one that would defeat all calculations, and it would be impossible in such circumstances to say what amount of rates might be required to meet the distress. It seemed to him that the only ground on which they could pass a permanent measure for the poor of Ireland was to assume that the ordinary state of things would be restored, and that the earth would yield its increase as hitherto. Upon that assumption he could not but think that the fears expressed relative to the sufficiency of the five-shilling and the two-shilling rates were greatly exaggerated. Looking at the years previous to the year 1845, and looking at the character of the Irish poor-law, which imposed great restrictions upon outdoor relief, restrictions greater than were imposed by the English poor-law, he thought the alarm was exaggerated. As to the state of exhaustion in which the western unions were found, he begged to call attention to the fact that the witnesses examined before the Committee dwelt almost exclusively upon the effect of a succession of years of famine. It was not the first year, or the second, which brought on the present distress: it was a succession of years of distress which had destroyed their resources and exhausted their powers, commercial and bodily. The reasons, therefore, for such remedial measures as would restore confidence and revive agriculture were never stronger. It was necessary for them to consider whether they could infuse energy into the people, and activity and confidence into the ordinary pursuits of the nation. He did not mean to say, that the one Act before them was to be successful in producing those results which could only be attained by a combination of useful measures; but he did think that this Bill was an important contribution towards such an end. But when the hon. Member for Radnorshire stated his opinion to be that the poor-law had been the cause of the present distress of Ireland, he must be permitted to say that he could not look upon that opinion as other than a paradox. He could not see by what possible chain of reasoning he could have brought himself to believe that the relief extended to the people in the workhouses and out of them by the distribution of funds on the strictest and most economical principles, so as, in the opinion of some, it was not thought to be sufficient, was the cause of the distress now actually existing in the country. He was speaking of relief under the poor-law, and not under the Labour Rate Act. It had been said, that the relief given was not sufficient—that the portion of relief doled out to the poor was not enough for their maintenance. Whether that were true he would not take upon himself to decide; but the distribution of relief had been made with the laudable desire of relieving as large a number as possible. The difficulty had arisen from the task imposed upon the distributors of relief of choosing, among a large body of persons, all of whom were almost in a state of starvation, a limited portion to whom that relief should be afforded. That it should be maintained, because the rate had been levied upon reluctant ratepayers, sometimes by distraining their cattle and household furniture—cases which often of necessity occur in England as well as in Ireland—that because that extreme remedy had been sometimes resorted to, it should be maintained that the general result of the poor-law in Ireland had been not to relieve distress, but to aggravate it, appeared to him an assertion not only contrary to all reason and probability, but one that was contradicted by the most decisive experience.

MR. HORSMAN considered the question involved in the clause the most important principle in the Bill. It involved, in fact, the whole principle of the poor-law. It was acknowledged that every hope of amendment both of the poor-law, and, he might say, of Ireland, depended upon the maximum rate which was now proposed; and therefore he could not think it desirable to discuss this clause alone, but the *5s.* maximum rate following the *2s.* union rate, and then what further provision was intended to be made for the poor. He had heard with great regret the admission of his hon. Friend the Member for Herefordshire, that they must depend upon the revival of the potato culture. Considering the immense opportunities now afforded for restoring a better state of things in Ireland, to get out of present difficulties by a restoration of the potato, would, in his opinion, afford a most disgraceful picture of our statesmanship. The poor-law, it was stated, had borne down all classes. The landlord was ruined, the tenant in a state of famine, and the land uncultivated. It was necessary to repair this state of things by giving confidence to agriculture, and by encouraging capitalists to invest money in the country, and in this respect to assist the operation of the Incumbered Estates Act. Such was the object; but the House had not been told how the object was to be accomplished. They saw the object; they knew the means proposed to be applied; but they had not been shown the relation in which those means stood to it. There was to be a maximum and union rate. Now, it would be found that an immense preponderance of the evidence was against this proposal. Of forty-eight witnesses examined before the Committee, thirty-three were examined upon the maximum and union rate, of whom nine were either Government commissioners or inspectors, and of those nine, seven were against and only two for it. Upon the whole, fourteen to four of those not employed by Government, and seven to two of those employed by Government, were opposed to the measure contained in the Bill. Yet his hon. Friend, notwithstanding this evidence, stated the Bill was determined upon, because the Poor Law Commissioners, and parties having most local knowledge, were in favour of it. In fact, the measure was condemned by a great majority of the witnesses. And, taking it as a whole, it was liable to several very serious objections. In the first place, it misconceived entirely the principle of a poor-law; in the next place, it violated the principle of a poor-law; and, lastly, when it proposed a maximum rate and a union rate, it abrogated the principle of a poor-law. The first objection to a maximum was, that it mistook both the evil and the remedy. It was thought to provide a remedy when it had reduced the rate; the fact being, that the value of the reduction depended upon the means by which it was brought about. If the rate were reduced by reducing pauperism, the advantage was certain and clear; but if the rate were reduced whilst pauperism was increasing, the remedy was artificial, delusive, and unsound. Capitalists were keensighted enough to see this; and the House might depend upon it they would not be attracted by the mere promise of a maximum which might turn out to be delusive. Then, as to the union rate, it violated the principle of a poor-law founded upon local responsibility and control. Some of the most intelligent witnesses, and some employed by the Government in the administration of the law, showed the evils which would attend it in electoral divisions, if it was run up to 5*s*. When that took place, all disposition to economise would be lost. Mr. Senior agreed in this opinion; and he added that a maximum would destroy all motive to industry in the labourer, in the guardian all disposition to vigilance and economy, and that adequate means of control would be at an end. All the witnesses concurred in saying that the maximum could not be kept, that it must be passed, and that the ratepayers who trusted to it would be taken in. But all their evidence proceeded upon the belief that the principles of a poor-law were to be observed in this respect, that we were to be faithful to the principle of giving relief to the poor. They supposed that when the 5*s*. and the 2*s*. were exhausted, legal provision for the poor would go on from some other source. But the Legislature took no further charge of them. It turned out, then, that the maximum was not a maximum of rate, but a maximum of relief; and the poor were to fall upon casual charity. Now, it was the evils and inconveniences of casual charity that had compelled Parliament to pass the poor-law. Since that period the relieving powers of districts had been diminished. They had been impoverished by the poor-law; and the fact of a maximum proved that their poor-sustaining powers were exhausted. Did the House, then, consider what it was called upon to do, by abrogating the poor-law, as it would be when the 7*s*. rate was exhausted? They were now repealing the beneficent Act of Elizabeth, which said that every man was entitled to relief or to work. That law had been proved by experience in England; and it had lately been extended to Ireland and Scotland. Upon what principle could the House say it was right to ensure the poor man should be relieved up to the 7*s*. point, and say afterwards that relief was not just and necessary? If relief was given upon the principle that his life ought to be preserved by public charity when he had no means of his own, why should not that principle be extended when the arbitrary point of 7*s*. had been reached? Irish Gentlemen would tell the House they were indebted to it for new discoveries in statistics. They knew, now, what was the population, their occupation and pursuits, and the duration of life, and it only remained to see what was the average value of life. According to this measure, the average value of life was worth 7*s*. It was not worth 7*s*. 6*d*. Seven shillings was the poor-law value of the pauper; at three half-crowns he was knocked down to the undertaker. And this beneficent provision was enacted—for what? Why, really, to tempt English speculators to buy Irish land. Their identification with this measure was to give a wholesome security to their estates. But just see the difficulty they got into. The object of the poor-law, then, was twofold: the giving of relief, and the security of property. The evils attending upon any poor-law were so great, that motives of humanity alone would not justify them in encountering such tremendous dangers, but public policy compelled it. He really believed that if there was anything which could make the position of English settlers in Ireland odious and intolerable, it would be their relation to this measure. The purchaser, with this Bill in his hand as a letter of introduction to his new tenants, would be looked upon as the concocter of the measure. They would represent him as having made the annihilation of a portion of the population as part of his contract. He would not be looked upon with a welcome. Instead of the old English motto of "live and let live," his motto, as they would represent it, would be "live and let die." This was all for the purpose of attracting capital and enterprise; and well it might be called enterprise, for a man would indeed be enterprising to trust his fortune and person upon such terms. He, therefore, repeated his objections to a maximum, as violating the principle of a poor-law, and destroying local responsibility economy, and control, and as abrogating the poor-law altogether, when, the point of 7*s.* having been reached, there was no further provision for the poor. But he went further; not only was the maximum indefensible, but one of the causes from which followed all the evils under which every class in Ireland was suffering, arose from the breaking down of the poor-law; and it behoved the House carefully, deliberately, and cautiously to examine the causes of it, and the mode by which they could be amended. From the first day in which it had been introduced into Ireland, now twelve years ago, there had not been one single important fact of legislation connected with it that had not been unjust to Ireland, and not creditable to the wisdom of English legislation. He agreed with the hon. Baronet the Member for Radnorshire, who said that without a poor-law the famine would not have destroyed all germ of improvement. Without a poor-law they would not have had tenants flying away with capital, and land left uncultivated; but when the famine had gone by they might have had hopes of improvement, which had been diminished by the operation of the poor-rates. It was full of evils and mischiefs, which must be counteracted by other provisions. The two most indispensable conditions of the safe working of a poor-law were an efficient test, and a concomitant field of independent labour. Could these be found in Ireland? The law was introduced into Ireland, partly because the English were determined that the Irish should maintain their own poor, and partly because it was alleged that the obligation to feed the population would induce the proprietors to give employment. But there were parties in this country who denounced the measure as certain to beggar the proprietors, and drag down all classes into one common ruin. The present Archbishop of Dublin was one of those who gave out the intimations which were now in course of fulfilment. Apparently from carelessness and ignorance, the British Legislature left out altogether every one of those proper precautions without which the law must be entirely neutralised. A test was the only security for the safe working of the poor-law; and it implied that the condition of the pauper could be made less desirable than that of the independent labourer. A workhouse test was the only effective test which had been yet devised. It followed, then, that there could be no economy so wasteful, so deplorable, and so unstatesmanlike as to enact a poor-law, and grudge the expense of an adequate number of workhouses. The number of workhouses must depend upon the social condition of the people. Where the population was in a low state of poverty, and self-reliance least established, particular provision must be made, and extreme precaution taken, for careful and economical administration, especially by such a number of workhouses as should make the application of the test at all times immediately available. He said, then, to extend the English poor-law to Ireland, without the precautions for security taken in England, was intolerable. In England, all the districts of administration were of moderate size; in Ireland. they were made of a perfectly unmanageable size. In England there were 600 workhouses; in Ireland the Government that introduced the poor-law proposed to begin with only 15. Although the commissioners stated, in their report, there were nearly three millions of poor people dependent for a certain portion of the year upon alms, that was stated in Parliament as a reason for limiting the workhouse accommodation to 80,000. Thus, the workhouses of Ireland were built in the inverse ratio of her pauperism. Here, then, lay the root of all the evil. Suppose we had the poor-law in England without an efficient test, in what condition should we be? It would not be endured a single day. Yet it was our poor-law without an efficient test that had been given to Ireland. In England the poor-law was associated with the habits and feelings of the people. The people were practised in its administration. The country was rich. The paupers were insignificant in proportion to the property of the country; and the labouring population was brought up in habits of comparative industry and self-reliance. Yet even in England, with all these advantages, the poor-rates were an increasing burden, and the law was a subject of anxiety to thoughtful men. What, on the other hand, was the state of Ireland? In Ireland, there were no men practised in the administration of the poor-law; pauperism was excessive; the population were of an unmanageable character, brought up in no habits of self-reliance, and having no field for employment. In England there were 584 workhouses; in Ireland, 131. In England the unions averaged 54,000 acres; in Ireland, 147,000. In England the population in unions averaged 25,000; in Ireland, 62,000. In England the area of parishes averaged 2,000 acres, with a population of 1,200; whilst in Ireland the electoral divisions averaged 9,000 acres, with a population of 4,000. In England there was every advantage of size, wealth, intelligence, independence, employment, habit, and industry, yet there was difficulty; but in Ireland, whilst making the districts of unmanageable size, they were denied the advantage and security of a test. Even if the districts were made the same size in both countries, the difficulty would be greater in Ireland than in England; but when there was added such other defective arrangements as those he had stated, did it not follow that what was not easy in England, must become impossible in Ireland—that what was dangerous in England, became utterly destructive and ruinous in Ireland? Agreeing then with the hon. Baronet the Member for Radnorshire, he doubted extremely whether Ireland was fit for the poor-law at the time it was given to her. The potato cultivation had given her an enormous redundancy of population; and she was in that state in which she could not support a large portion of the people without pauperism. A poor-law had two objects—the relief of destitution, and the security of property. A poor-law was good where healthy employment was the normal condition of the people; but it was not the institution by which a transition was to be brought about. It was very well to say that property must support poverty; for whatever might have been their relation in 1837, they were very much altered in 1849. When property had been decreasing and poverty increasing, to meet a famine by nothing but a poor-law, was only to consign property to confiscation, and poverty to death. With a redundant population, he considered this poor-law was socialism. It was socialism, which, in spite of all our artifices of maximum and union rates, would prevent either proprietors or occupiers from cultivating the soil. He could not conclude without stating that the poor-law being in Ireland, must be kept. He did not think it ought to be destroyed. We must make the best of it; and the question was how? There was only one mode, so far as he could see. Let it be established upon sound principles. Give to the population, the property, and the pauperism of Ireland, the same securities, the same restrictions, and the same advantages that they had in England. Bring about an amendment in the law by securing the two objects of employment to the ablebodied, and to the destitute the strongest application of the workhouse test. In England, when the poor-law was amended, there was a greater field for employment, the manufacturers wanted more hands, an increased capital was laid out in agriculture, and the labourer for the most part preferred the honest and independent support of wages, to dependence on the degrading bread of charity. But the case was far different with Ireland: we could not make the position of the pauper there less desirable than that of the independent labourer; the only test we could apply to him was, his aversion to the workhouse restraint; but if that principle broke down in Ireland, the case of that country was desperate; for a country with a redundant population, and with a poor-law without a test, was utterly and irretrievably lost. No institution could be so utterly unjust and unprincipled as a poor-law without a test. That error, however, we had committed towards Ireland; and if we did not repair it, all our remedies would be shortlived, and the evil must return upon us. We had much to answer for for our carelessness in legislating for Ireland; and the responsibility we had incurred had been immensely aggravated this Session by the connivance at a great deal of bad legislation on the part of the English Members, who, feeling exhaustion and weariness on Irish subjects, and anxious to get rid of what was odious and troublesome, had thrown the whole of the task on the Government; and the Government again had found a very favourable condition of parties for carrying imperfect and faulty measures—measures known to be such by many of those who connived at them; and thus, on the part of the House, all sense of conscience and responsibility had been abandoned. All history taught that nothing was so fatal as the recoil of bad legislation; and they might depend upon it that the Irish difficulty would not be got rid of by being put out of sight for the day. He had had a feeling of apprehension and alarm before; but that feeling was different now from what it had been when he entered the House that evening, when he found the Government looking upon the revival of the potato as a means of extricating them from all the difficulties of Ireland. He trusted the House would even now be aroused to some sense of the responsibility resting upon it with regard to Ireland; for they might rest assured that this question would return again and again upon them; but he did not believe it would ever again return, giving such opportunities for dealing with it in a masterly and effective manner, as they had had during the course of the present Session.

Lord J. RUSSELL: I must say, Sir, that in the earlier part of the debate the Gentlemen representing Ireland who spoke on this subject, kept themselves closely to the question immediately before the House, confining themselves to the consideration, not particularly to the maximum rate of 5*s*., but whether or not it is wise and desirable to impose a maximum or limited rate on the electoral division, with a rate extending to the union; and the hon. Baronet the chairman of the Select Committee on the Irish Poor Law, made a very able and logical speech on this proposal, stating very fairly that, when it first came under his consideration, he was inclined to view it unfavourably, but that subsequent reflection on the reasons he gave to the House, induced him to conclude that this is a measure which the House ought to adopt. Now, I must say, that the English Members who have taken part in this discussion, seem to me to have left the question which is the main subject of debate this evening, and to have gone into other matters, no doubt of the utmost importance, but the consideration of which will hardly help us in the consideration of the question now before us. But this applies more especially to the hon. Gentleman who has just sat down, who no doubt found it very easy, on any subject connected with Ireland, to say, "This measure is defective, and will not of itself restore prosperity to Ireland. You are going on a wrong course; see the evils that have occurred, and Parliament and the Government is responsible for them." No doubt the hon. Gentleman, and those even less able than he, could all urge these topics with very great effect and seeming advantage in debate; but I must say, that, notwithstanding the ability of the hon. Gentleman upon these points, he appears singularly mistaken in his history, and singularly inconsequential in his logic. He says, in England we imposed a poor-law with various guards and checks, and especially with a test, whereas in Ireland we adopted a poor-law with no test whatever. Now, without going into a defence either of the poor-law of England or of Ireland, the plain historical facts of the case are, that in the reign of Elizabeth a very short law was passed, stating that all the impotent poor should be relieved, and the ablebodied poor set to work. It was about two centuries afterwards that any provision was made for the workhouse, and not until the year 1834 that by the amended poor-law any effectual test was applied—[Mr. Horsman: I said so]—against indiscriminate outdoor relief being given in England. And what was the case with regard to Ireland? So far from proposing a poor-law without a test, the first thing that was done was to establish the workhouse, and then not to give relief excepting within the workhouse. But anybody ignorant of the history of these things would have supposed from the hon. Gentleman's speech, that in the reign of Elizabeth we had workhouses all over England, and in Ireland only unions, but no workhouses. Such is the hon. Gentleman's history of the poor-law in both countries; and so completely is it at variance with the fact, that one cannot wonder that his reasoning upon it should not have been exceedingly accurate.

Mr. HORSMAN: I spoke of the amended poor-law in England, and said, that when we established the poor-law in Ireland, we commenced with only fifteen workhouses altogether. I did not refer to the Act of Elizabeth.

Lord J. RUSSELL: Had the hon. Gentleman been more explicit, one could have more easily understood on what subject he was speaking; but the fact is the English poor-law had existed many years, and more especially with many abuses. It existed from 1796 to 1834 without any effectual workhouse test; and the Irish poor-law, when first introduced, proposed to give no relief excepting in the workhouse; and so far from being without any test at all, it actually laid down nothing but a test as the condition of relief. How, therefore, the hon. Gentleman makes the deduction that in England there was always great caution in the administration of relief, and that in Ireland there has been no caution or test whatever, I am utterly at a loss to conceive. Then I come to his argument where it is more especially applicable to the clause under immediate discussion. The hon. Baronet the Member for Radnorshire, although he says he thinks the introduction of poor-law relief into Ireland has been a misfortune to that country, nevertheless says, that if there is to be a poor-law, he would rather have the poor-rate extending to 7*s.*, but limited to that amount, than have the rates rising to 20*s.* in the pound. Now, I can perfectly understand that feeling on his part; but the hon. Member for Cockermouth says it is a great mistake to impose a limit—that a maximum of 5*s.* or 7*s.* ought not to be established—that it is contrary to the general principle, and mistakes the object of a poor-law. But then he goes on to say, that it was a mistake altogether to introduce the poor-laws into Ireland; and therefore, although he considers it a great fault to limit the relief in Ireland to an amount no greater than 7*s.*, yet he has no objection to adopt the plan of giving no relief whatever. He proposes in the first place that it should be 20*s.* in the pound, and then he would have that 20*s.* in the pound reduced to nothing at all. Now, it appears to me that that is not a very logical view for any one to take on a question like this. But, with regard to the limitation of relief, I think the matter stands pretty much on the grounds upon which the hon. Member for Cavan placed it to-night, and on which I placed it myself in a previous discussion. He states, with regard to Ulster and Leinster, that the limitation would have very little effect, and shows that there are but very few electoral divisions where the limitation would come into operation, as in most of them a poor-rate of 2*s.*, 3*s.*, or 4*s.* at the highest was imposed. He showed, that in the two provinces of Ulster and Leinster there was only one electoral division where the rate in 1848 exceeded 7*s.* in the pound; so that it is quite true, as he argues, that with respect to these two great provinces, the limitation would have no practical effect one way or the other. Well, then, with regard to those parts which we wish more particularly to effect, I think the question is, as to whether we shall obtain the advantages of a poor-law better by the limitation of the rate, or by leaving it unlimited. I agree with the hon. Member for Cockermouth, that the advantages of a poor-law do not rest merely on the ground of humanity; for I think that considerations of general policy—of civilisation, of order, and of security, have had a very great influence at all times with those who have enacted poor-laws. But it is evident that a poor-law must utterly fail if the tax causes the discouragement of cultivation, and preventing the very means by which the poor can be supported from existing and increasing in the districts from which it has to be levied. I think it is evident, from what was heard before the Committee, and from the evidence that has been received since, that these effects of discouragment and alarm at the amount of the poor-rate, have been created in the more distressed districts of Ireland. Therefore, by imposing a limit, some kind of assurance would be given to those who cultivate the land, or become the purchasers of it, that the poor-rate would keep within the limits requisite to enable them to cultivate with a profit. And, if that is the case, you will obtain a greater fund by which the poor can be relieved, than you would if you do not lay down such a limit. The hon. Member for Cockermouth said, this measure was for the purpose of introducing English enterprise to undertake the cultivation of the soil; but it was with regard to Irish enterprise and Irish farmers that great alarm had been raised, and in whom it was wished that confidence should be established; so that, so far from this being a plan to introduce English speculation, it was to give Irish security and Irish confidence to those who owned and cultivated the land. But I also stated before that an unlimited amount of poor-rate does not secure an unlimited amount of relief, for although the whole is nominally the amount of the rate, that will not enable you to raise above 3*s.* or 4*s.* at the utmost for the purposes of relief, and what farther relief is given must be obtained from extraneous sources; so that a limited rate will provide more relief for the poor than an unlimited rate will. I will not now enter into the discussion of the poor-law in general. It is sufficient to consider the clause at present under the consideration of the Committee. That clause is undoubtedly a novelty, and I do not recommend it on the ground of successful precedents; but I say that the introduction of the poor-law altogether into Ireland has been a novelty, and that the state of Ireland when it was introduced was entirely different from the times of Elizabeth, when the English poor-law was introduced. And let us recollect, although the evil of a poor-law, as the economists say, is, that it produces reckless and imprudent marriages, creating an unhealthy increase of pauper population, yet that without any such laws, these prevailed in Ireland to a far greater extent than in England. While there was an improvident and ill-administered poor-law, all the evils attendant on reckless marriages, among the poorer classes of the community, who, reckoning not certainly on receiving relief through a poor-law, but through the medium of charity, and those irregular modes of living that obtain more or less in any country not properly reduced to order and obedience to the law—it was into a country already reduced to such a state that the poor-law had to be introduced. But I am not going to argue that that measure was the only measure that could be introduced; nor is it my purpose to contend that that measure alone can give prosperity to Ireland, or even very materially contribute towards effecting that object. Still I think it is a fallacy to represent the measure now before us as the only one that Parliament has to consider. It is somewhat out of place to speak now of other measures; but I beg the House to recollect that we have already considered some other measures this year, such, for instance, as the advances for the improvement of Ireland, and to render the drainage and improvement of land in that country more extensive than they are at present. These are not the subjects under consideration to-night; but I think it has been truly said by some of those who have engaged in these debates, that not by one measure, still less by a single clause of one measure, can we hope to provide efficient remedies for the evils of Ireland. If we wish really to benefit that country, we must adopt a great number of measures, all tending towards the same object, and promoting the same end. And my belief is, that if you impose this maximum rating, you will be making the poor-law more efficient in the attainment of its object, that you will be encouraging the cultivation of the soil, and stimulating the application of capital in Ireland; and therefore I trust that the Committee will adopt it.

Mr. HORSMAN explained that he had said that there were only three ways in which the population of Ireland could be absorbed, viz., by employment, by emigration, or by death; and that the latter two of these causes were operating in Ireland at present.

Lord J. RUSSELL said, that the hon. Gentleman had referred to the mode in which the people could be fed; and that if the potato should again flourish in Ireland, it would be the greatest disgrace to the legislation of Her Majesty's Government. He confessed he did not know by what scheme of political economy that hon. Gentleman could propose that Parliament should prohibit the cultivation of the potato. He was far from saying that it was in any way desirable that the former growth of the potato should be kept up, and thought it a great evil that the people should place so much dependence upon it as an article of food; but he really could not think it would be any disgrace to their legislation if the people of Ireland persisted in a course which they had been repeatedly admonished not to pursue.

Mr. HORSMAN said, that the hon. Member the Under Secretary of State for the Home Department, to whose speech he referred, said that "they must legislate on the assumption of the restoration of the potato in Ireland." He (Mr. Horsman) had taken down the hon. Gentleman's exact words at the time.

Mr. CORNEWALL LEWIS stated, that what he said was, that the House must legislate on the assumption that the potato failure would cease or continue; and that it appeared to him they must adapt their laws to the ordinary state of things, which was not a state of failure, but of the growth of the potato crop. And as to the restoration of the potato, he meant simply the restoration of its natural growth.

Mr. DRUMMOND rose for the purpose of pointing to some topics which he thought deserved the consideration of the House, but which had not been yet sufficiently brought under their attention. For three hundred years the power which the religious houses formerly possessed had been transferred to the landowners, and with that power had been transferred the cost of the maintenance of the poor; and what was now sought by some parties was, that that power should be restored which was possessed by their forefathers, and which had been wrung from them. It appeared to him to be impossible that Ireland could bear the burden placed upon it, which, in fact, amounted almost to a confiscation of property; and he did not believe that under such a system the people of England or of Scotland would be more patient than the Irish. What was the opinion of the Irish people on the subject was to be collected from the fact that the Irish bishops had represented to the Earl of Clarendon that their object was to procure the re-establishment of the religious houses; and they had since followed up that declaration by a representation that the poor-law was nothing but a conspiracy to reduce the Irish poor to such a state that the land might be handed over to Saxon speculators unincumbered of any charges. He held in his hand a letter, which stated that the whole system was one of jobbing; that it was unpopular to all parties; and that it would be found impossibe to carry it out. The letter was signed by Winston Barron. He was convinced that unless they so far altered the constitution of the poor-law as to place more power in the hands of the resident gentry, they would never be able to carry it out at all. He thought it a great misfortune that they had ever made the poor-law for Ireland different from the English, as, if they wanted to try experiments, they ought to be tried in this country, where they could be better afforded. The authorities at Somerset House had endeavoured to try experiments in this country, which were resisted, and a poor-law was then passed for Ireland, it being intended that that of England should come up to it, instead of which that law must come down to that of England. There could be no doubt that one of the great evils of Ireland was the state of the area of taxation; and he advised that House to be careful how they got rid of close parishes, and thereby made an extension of the areas of taxation.

Mr. POULETT SCROPE said, that the hon. Member for West Surrey, and other Members who had addressed that House, had spoken of the rates levied in Ireland as amounting to a confiscation of the land. He denied that such was the fact; and to show how exaggerated such statements were, he would refer to what were the averages of the rates in various parts of that country for the year ending in September, 1848. In the province of Leinster, the average rate only amounted to 1*s*. 11½*d*. in the pound; in Ulster, 1*s*. 9½*d*.; in Munster, 3*s*. 3*d*.; and in Connaught, only 2*s*. 7*d*. in the pound. Of that amount only one-half was paid by the tenant, and one-half by the landlord. He must say that that could not be called a confiscation of property, where on either class the average was but 1*s*. in the pound; and hon. Gentlemen, when they talked of confiscation, forgot the facts of the case, and argued on assumption. Having reminded the House of what was the main question before them, he must say that the hon. Member for Cockermouth had displayed a great deal of prejudice against the measure. There were, no doubt, great difficulties in the way of carrying out the poor-law; but he considered that those who opposed it were raising up still greater difficulties with regard to that country. A great panic had been created in Ireland on the subject, but he believed that the maximum rate would never come into operation; and he would support the measure before the House with the view of quieting that panic, believing that the owners and occupiers of land would see it to be their interest, as far as possible, to employ the population, which would be a set-off against the poor-rate. He believed that the principle of the maximum rate would give such confidence as to increase employment, and that employment and the poor-rate would work well together.

Sir H. W. BARRON said, that nothing was more fallacious than—as the hon. Member who had just spoken had done—to take averages of a province, and argue from them to show that the poor-rate had not been oppressive in Ireland. It was well known that in many parts of the country it had amounted to little less than confiscation. He would not say that it had been so throughout Ireland, but in many districts it certainly did amount to that. Why, notwithstanding what the hon. Member had said about averages, though he would not assert that it had been called for, the rate had been struck at 40*s*. in the pound, which it was impossible could be paid; and in places in his own county the rates had been struck at 13*s*. in the pound, and that, too, at a time of famine, when the crops were depreciated and diminished in value by the legislation of that House in the introduction of free trade. It was impossible that such an amount of poor-rate could be collected, and, therefore, it amounted in fact to a confiscation of the property.

Mr. SCROPE denied that any rate of 40*s*. had been struck.

Sir H. W. BARRON said he meant "spent."

Mr. SCROPE said, that in the union to which the hon. Gentleman alluded, only 1*s*. 9*d*. in the pound was collected, and the rest of the money came from England.

Sir H. W. BARRON said, that that did not alter the fact that the 40*s*. in the pound had been expended. In some parts of his county, he repeated, the rate had been struck at 13*s*. in the pound, which amounted almost to a confiscation, and there were various places similarly situated; and it was not, therefore, fair to say that because the average rate did not exceed 3*s*. in the pound, it was not a measure of confiscation. It was impossible to go on in Ireland under the present system, and he warned the House that, if it was attempted to be carried out, it must fail; and he was prepared to stand by everything contained in the letter alluded to by the hon. Member for West Surrey. English and Scotch majorities in that House forced measures for the government of Ireland upon them, in opposition to the opinion of the majority of Irish Members. They had not done so in Canada, but had acknowledged the power of the majority; and, until a similar policy was adopted with regard to Ireland, they must pay the penalty of their system of government. With regard to the question before the House, it was one of great difficulty, and he hardly knew how to vote; but, on the whole, he thought the system of a maximum rate was calculated to give confidence to the people, and, therefore, it would be a great benefit to the country. In addition to their other burdens, the rates had been greatly increased of late by an addition to the county rate, which was an indirect tax for the poor, under the pretext of repaying the advances made from the Treasury in 1846 and 1847. The poor-rate was at present pressing so heavily on the farmers that many of them were giving up their farms, and leaving the country for America. If the maximum rate, however, was fixed at 5*s*. or 7*s*. in the pound, it would, in some measure, restore confidence, and, as he believed, prevent the farmers leaving the country, and, therefore, he would vote for the measure.

Mr. R. M. FOX supported the clause. He thought there was a point in rating to the poor in Ireland at which individual responsibility should end, and that of the public begin. If each property in Ireland was equally liable for the support of the poor in Ireland, then he should not be inclined to ask for extraneous aid until all the money had been collected; but such was not the case. It had been stated, in the course of the debate, that the character of this maximum rate itself was to make it a minimum. Now, he entertained a contrary opinion as to the effect of the rate. The line at which individual responsibility shall cease, and that of the public commence, was a crisis of great calamity, and he believed that that crisis had been reached.

Mr. MONSELL thought it would be more convenient to take the Government proposition as a whole, and the hon. Member for Cavan, and the First Minister of the Crown, seemed to take the same view. The hon. Gentleman who had last spoken, he presumed, adopted the whole proposition, and was prepared to support union rating. It would be impossible to overrate the importance of the question now before the Committee. He entirely agreed with those hon. Members who had dwelt upon the importance of restoring confidence to Ireland, and of inducing capitalists to invest their money in cultivation of the land. He believed, that if something were not done in that direction, in many districts of Ireland the whole race would become extinguished. For what was the present state of Ireland? In Mr. Godolphin's letter it was stated that, in the union of Ballinrobe, 40,000 persons were being now supported out of the poor-rate, and unless some means could be devised by which the people could be made to look to their industry for support, and not to eleemosynary aid, the consequences to the country must be most frightful. He agreed in the objects sought to be attained by the noble Lord, but thought that the proposition of the Government, taken as a whole, was not at all likely to effect them. The hon. Gentleman the Secretary for the Home Department had stated that the whole history of the English poor-law did not furnish a precedent in favour of this measure. But the case could be stated even more strongly; for it might be recollected that when the amendment of that law was under consideration, the introduction of such a proposal as this was not even hinted at. In 1817, there was a similar proposition from a Committee, of which Mr. Sturges Bourne was the chairman. A maximum was proposed; but the suggestion was not acted upon: it was adopted by no subsequent Committee, and was never embodied into an Act of Parliament. Such a proposal had been tried in this country in the case of two local Acts, and in both cases it had failed, and the maximum had to be abandoned altogether. When the hon. Gentleman the Under Secretary to the Home Department said that the maximum was abandoned because of the low prices which prevailed, he must have overlooked the circumstances under which the present proposal was attempted to be imposed. At present prices, this maximum must in a great number of unions in Ireland be exceeded. The noble Lord and the hon. Gentleman had forgotten to answer the question of the hon. Member for Northamptonshire with respect to the debts of the unions. Mr. Lucas, one of the vice-guardians of the Galway union, had stated the liabilities, taking into account the payment of the Government advances, to amount to one whole year's income of the union. In such a case how would the noble Lord deal with the maximum rate? Not one of the witnesses examined before the Poor Law Committee had been found to support the proposal of the Government, without the recommendation that the deficiency should be supplied from extraneous aid. Mr. Twisleton had, in the strongest terms, expressed his opinion that when the maximum was exhausted, extraneous assistance must be resorted to. What drove capital from Ireland was the social state of the country, which, as water quenched fire, quenched industry; and until some remedy for this state of things was found, it would be useless to throw dust in the eyes of the people, and ask them to invest money in the land. But what did this proposal of the Government involve? Simply, that a man who might be living twenty miles from a property, and having no kind of connexion with it, might be called upon to pay ten per cent in addition to the charge made upon him in his own electoral division. The proposal, in fact, was to be found in Mr. Tucker's *Review of the Financial Policy of the East India Company.* That gentleman spoke of a man having to make up the deficiency of his neighbour's rates to the extent of ten per cent. Of what avail, said that gentleman, was it that the husbandman should be diligent and successful in his calling, if he was to be mulcted either for his neighbour's negligence or misfortune? A. must pay the debt of B., according to such a rule. Of what avail was it that one village was prosperous, if it had to make provision for the calamities of another—if from its abundance it had to supply the deficiency existing in another? Could it be possible to conceive a system more calculated to repress industry, extinguish hope, and reduce the whole country to one level of pauperism? He thought it a cruel mockery to attempt to establish that any beneficial results could flow from such a principle. Everything which could have been done to discourage industry in Ireland had been done. Every suggestion which had been made by Irish Members had been disregarded, and measures had been introduced of an exactly opposite tendency, which had ruined the industry and self-reliance of those parts of Ireland which ought to have been the subject of the peculiar care of the Government; and his only hope was, that the House would summarily reject the measure now proposed by Her Majesty's Government.

Mr. E. B. ROCHE said, that he dissented from the opinions expressed by the hon. Member for Dublin, and several other hon. Members, that the poor-law had been the cause of all the evils which at present afflicted Ireland. He was quite ready to admit, with them, that the people were emigrating in vast numbers from the country; but the reason of their doing so was threefold: that the farmers had not leases or tenures of their land—that the landlords were not prepared to reduce their rents, so as to meet the pressure of the times—and, lastly, the existence of a very general opinion that there would be a great depression in the prices of agricultural produce. He believed that there were no grounds for the opinion that agricultural produce would suffer a great depression in consequence of the operation of free-trade measures, for if ever prices should be ruinously low, he believed that the people of both countries would unite in obtaining a fixed duty upon the importation of corn. He considered that the measure then before the House had been discussed in a somewhat fallacious manner. Instead of its being treated merely as an alteration of the existing poor-law, it appeared to be dealt with as though it were a measure proposed for the regeneration of Ireland. No such results as those were for a moment expected to result from the measure. No person could suppose that a country could be made prosperous by a poor-law. Such law could only relieve, to a certain extent, the pauperism of the country, but could never develop any of the latent energies or industry of the country. The real question, therefore, was, would the alterations now proposed by Her Majesty's Government improve the measure as it then existed? He believed that the proposed alteration would have that effect, and he therefore gave his hearty support to the measure.

Mr. GROGAN, in explanation, said he had stated that the farmers of Ireland were emigrating, and that the Bill then before them had no tendency to check that emigration.

Colonel DUNNE said, he should support the proposition of the Government. For years past the complaint had been that the taxation for poor-rates had amounted to confiscation; and he was surprised to hear Irish Members objecting to this evil being remedied. It had been stated that a rate of 5*s.* had been rarely exceeded; but he found that out of 641 electoral divisions, no fewer than 222 had laid rates amounting to 5*s.*; 125 had gone beyond 7*s.*; and in 12 electoral divisions the average rate had been 11*s.* 10*d.* He did not think it probable that the auxiliary rate would be needed; but if so, it would not be difficult to point out sources whence it might be procured.

Mr. SPOONER observed, that before we fixed a maximum rate we ought to consider whether, by fixing such a rate, the Irish people might not hereafter claim money from the Consolidated Fund, because by the very act of fixing a maximum rate we would prevent the raising of a greater amount of money, should such be required.

Sir A. B. BROOKE would support a maximum rate on the very ground suggested by the hon. Gentleman, that the Consolidated Fund would have to pay after the proceeds of the rate were exhausted. He approved of the principle, although he thought that in this case the amount fixed was too low.

Amendment proposed, page 1, line 10, to leave out the word "it shall be lawful:" Question put, "That those words stand part of the Clause."

The Committee divided:—Ayes 178; Noes 51: Majority 127.

List of the Ayes.

Abdy, T. N.
Acland, Sir T. D.
Adair, R. A. S.
Anson, hon. Col.
Armstrong, Sir A.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Barron, Sir H. W.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Birch, Sir T. B.
Blair, S.
Blake, M. J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brand, T.
Brotherton, J.
Bunbury, W. M.
Buxton, Sir E. N.
Callaghan, D.
Campbell, hon. W. F.
Carter, J. B.
Cavendish, hon. C. C.
Clay, J.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Coke, hon. E. K.
Cowan, C.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. B.
Dawson, hon. T. V.
Douglas, Sir C. E.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Dunne, Col.
Ebrington, Visct.
Edwards, H.
Ellice, E.
Estcourt, J. B. B.
Euston, Earl of
Fagan, W.
Fergus, J.
Filmer, Sir E.
Fordyce, A. D.
Fortescue, C.
Fox, R. M.
Freestun, Col.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Gore, W. O.
Grace, O. D. J.
Greene, J.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Gwyn, H.
Hallyburton, Lord J. F.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heneage, G. H. W.
Heneage, E.
Henry, A.
Hervey, Lord A.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hollond, R.
Howard, Lord E.
Howard, hon. E. G. G.
Jervis, Sir J.
Jones, Capt.
Keating, R.
Keppel, hon. G. T.
Kershaw, J.
Kildare, Marq. of
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, rt. hon. Sir T. F.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Locke, J.
Mackinnon, W. A.
M'Cullagh, W. T.
M'Gregor, J.
Mahon, The O'Gorman
Maitland, T.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Maxwell, hon. J. P.
Milner, W. M. E.
Moody, C. A.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Napier, J.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Brien, Sir L.
O'Connell, J.
O'Connell, M.
O'Connell, M. J.
O'Flaherty, A.
Ogle, S. C. H.
Oswald, A.
Paget, Lord A.
Paget, Lord C.
Paget, Lord G.
Pakington, Sir J.
Palmerston, Visct.
Parker, J.
Peel, rt. hon. Sir R.
Peel, F.
Perfect, R.
Peto, S. M.
Pilkington, J.
Pinney, W.
Power, Dr.
Price, Sir R.
Rawdon, Col.
Reynolds, J.
Ricardo, O.
Rich, H.
Roche, E. B.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
St. George, C.
Salwey, Col.
Scrope, G. P.
Scully, F.
Seaham, Visct.
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Smith, M. T.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Stanton, W. H.
Sullivan, M.
Talbot, C. R. M.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.

Thompson, Col.
Thompson, Ald.
Thornley, T.
Townshend, Capt.
Trelawny, J. S.
Turner, G. J.
Vane, Lord H.
Vivian, J. H.
Walpole, S. H.
Walsh, Sir J. B.
Watkins, Col. L.
Wawn, J. T.
Willcox, B. M.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyvill, M.
Young, Sir J.

TELLERS.

Tufnell, H.
Bellew, R. M.

List of the NOES.

Adare, Visct.
Adderley, C. B.
Archdall, Capt.
Barrington, Visct.
Bateson, T.
Beresford, W.
Berkeley, hon. G. F.
Blackall, S. W.
Boldero, H. G.
Caulfeild, J. M.
Clements, hon. C. S.
Cole, hon. H. A.
Colvile, C. B.
Conolly, T.
Corbally, M. E.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Crawford, W. S.
Dickson, S.
Farnham, E. B.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J.W.
Fitzwilliam, hon. G. W.
Forbes, W.
Gore, W. R. O.
Graham, rt hon. Sir J.
Grogan, E.
Guernsey, Lord
Halsey, T. P.
Henley, J. W.
Herbert, H. A.
Hill, Lord E.
Horsman, E.
Jolliffe, Sir W. G. H.
Ker, R.
Macnaghten, Sir E.
Magan, W. H.
Milton, Visct.
Mundy, W.
Naas, Lord
Renton, J. C.
Rufford, F.
Smith, rt. hon. R. V.
Smyth, J. G.
Spooner, R.
Sturt, H. G.
Taylor, T. E.
Verner, Sir W.
Vesey, hon. T.
Vivian, J. E.
Willoughby, Sir H.

TELLERS.

Stafford, A.
Monsell, W.

Committee report progress.
House resumed.

JUVENILE OFFENDERS AND SMALL LARCENIES BILL.

On the Motion for the Second Reading of this Bill,

MR. C. PEARSON objected to it on principle, and declined to leave the debate entirely to the Committee. He said that one of the objects of the Bill was to extend the punishment of flogging to juvenile offenders of sixteen years, whereas it was at present confined to offenders under fourteen. That was a return to the body-tormenting system of former times, and before they agreed to it they ought to see what had been the effects of the flogging system hitherto. The presiding judge at the Middlesex sessions said that the increase during the past year of juvenile offenders was from 898 to 1,240; and the commitments throughout England and Wales showed an increase in nearly the same proportion, being a much greater ratio than the increase of crime in general. Some of those juvenile offenders were taken and flogged as often as six times in the course of a single year—a strong proof of the inefficacy of the punishment as a prevention to crime. Juvenile offenders should be dealt with upon a large principle with a view to education and reformation. They wanted, in the first place, food, not flogging; and next, they wanted to have habits of industry instilled into them, instead of the idle habits in which they had been brought up by their parents. The blue books which had been collected upon the subject showed that neglect of parents and of parishes was the great cause of juvenile crime; and surely they should not flog the children for the fault of their parents. By the common law children under the age of discretion were held to be *incapaces doli;* they were under the tutelage of their parents, who were entrusted by the law with the duty of instructing, controlling, and maintaining their offspring, and, failing their ability to do so, it devolved upon the parishes to which they belonged. Instead of passing laws to degrade children by flogging them by the hands of the executioner, the Legislature should provide places for their reception, where they would be instructed, and compelled to work; and the law should rivet upon the parties liable for their maintenance, if in a state of destitution, the obligation to pay for them while undergoing reformatory and corrective treatment under the discipline of the law. Such an enactment would teach parents and parochial authorities to be more careful in correcting, instructing, and reforming the morals and habits of those whom God and the law had cast upon them for protection and support. When the Bill went into Committee, he would propose clauses to carry out these opinions, and he would take the sense of the House upon them. He wished to know from the hon. and learned Attorney General, whether it was the intention of the Bill to throw upon the counties, or (as at present) upon the Consolidated Fund, the expense of maintaining prisoners under it?

The ATTORNEY GENERAL said, that the questions alluded to by the hon. Gentleman were purely matters of detail and not of principle. The Committee could deal with them all. As to the last he should say that there was no legal obligation at present to supply those prisoners out of the Consolidated Fund. By the Act of 7 George IV., c. 64, the county was bound to support them, and it was only aid that was given to the county out of the Consolidated Fund.

Mr. HENLEY said, that the hon. and learned Gentleman the Attorney General had already passed one Bill this Session with regard to the criminal law, on the subject of transportation. That Bill prevented the Judges from transporting persons unless they had been twice convicted of a certain class of offences, but gave them the power of transporting in cases where the parties had been twice summarily convicted. They were now about to take out of the category of indictable offences a large class of larcenies, and it would be necessary for them carefully to consider what effect those changes would have upon the law of transportation.

Sir J. PAKINGTON said, the important object of this Bill was to save prisoners of tender age from long imprisonments before trial. There could be no doubt that if the limitation of five shillings were adopted in the Bill, the effect would be to remove a great number of offences at present tried at the quarter-sessions.

Sir G. GREY was anxious to guard the House against the notion that the Government gave any pledge as to an alteration in the principle of charges at present made to the Treasury for convictions. It might be a question hereafter, whether the limitation of five shillings should be fixed in the Bill.

Bill read a second time.

The House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, June 26, 1849.

Minutes.] *Took the Oaths.*—The Lord Kilmaine.

Public Bills.—1ª Audit of Railway Accounts.

2ª County Cess (Ireland).

Received the Royal Assent.—Apprehension of Deserters (Portugal); Defects in Leases; Navigation; Sheep Stealers (Ireland); Transportation for Treason (Ireland); Grand Jury Cess (Ireland).

Petitions Presented. By the Bishop of Exeter, from Tiverton, for an Alteration of the Poor Law.—By the Bishop of Norwich, from the City of London, for the Abolition of the Oaths of Supremacy and Abjuration—By Lords Kenyon and Redesdale, and Earls Falmouth and Winchilsea, from the English Bar, Isle of Wight, Lincoln, and a Number of other Places, against the Parliamentary Oaths Bill.—From Wooton, Shirley, and Clapham, for the Suppression of Seduction and Prostitution.—From Southwark, against the Granting of any New Licenses to Beer Shops.—From Southampton, for an Alteration of the Criminal Law Consolidation Bill.—By the Bishop of Winchester, from Ewell, against the Restrictions made on Grants in Aid of Public Education.

BIRMINGHAM BOROUGH (EXEMPTION FROM COUNTY RATES) (No. 2) BILL.

Lord WHARNCLIFFE moved the Second Reading of the Birmingham Borough Exemption from Rates Bill. The borough of Birmingham had been erected into a separate district by the Municipal Reform Bill. It had recently erected, at an expense of 100,000*l.* a new prison and lunatic asylum, and was now supporting its own court of quarter-sessions. The county of Warwick was about to build a new county prison and a new county asylum; and the inhabitants of Birmingham thought it hard that they should be called on to contribute to institutions from which they derived no benefit. They had no objection to contribute their share to any charge which they brought upon the county, but they claimed exemption from all rates from which they derived no benefit.

The Earl of WARWICK said, that he should not have opposed the Birmingham Borough Exemption from County Rates Bill, if the magistrates of the county of Warwick, assembled at quarter-sessions at Coventry, had not expressed a unanimous opinion against the measure. He thought that that which it proposed to do, should be done by a general, not by a private, Act. The noble Earl concluded by moving, as an Amendment, that the Bill be read a second time that day six months.

Lord CAMPBELL said, that this was a Bill which certainly ought not to be thrown out on the second reading; at all events without further consideration. The borough of Birmingham had built a new gaol and lunatic asylum at a cost of 100,000*l.*, and had thrown no charge for those buildings on the county of Warwick; and now that county was about to erect a new gaol and lunatic asylum at a very great expense: unless this Bill passed, no less than one-third of that expense would fall on the town of Birmingham. The noble Earl who had moved the Amendment had asked their Lordships to wait; but what would be the consequence of waiting? The rate for the purposes named was on the point of being collected, and if they did wait, one third of it would fall on the borough of Birmingham. He must protest against such an act of injustice.

Lord REDESDALE thought it his duty to oppose this Bill. It was a private Bill, introduced for the purpose of getting rid of public taxation. If their Lordships once admitted such a principle, it would open the door to jobbing of a very serious character. What this Bill proposed, ought, if done at all, to be done by a public Bill of a general character. He trusted their Lordships would not sanction the present measure—one which, moreover, he understood, had actually, though now supported by the noble and learned Lord opposite, been opposed in the other House by the Home Secretary and the Government on public grounds.

The EARL of CHICHESTER said, he would much have preferred that the object of this Bill should have been gained by means of a general Act; but after what had been stated by the noble and learned Lord (Lord Campbell), he thought injustice would be done to Birmingham by their Lordships not agreeing to the measure before them, the second reading of which he must therefore support.

The MARQUESS of SALISBURY was sensible both of the inconvenience of dealing with public questions by private Bills, and of the great injustice that would be inflicted on Birmingham by the rejection of the measure in discussion. He therefore moved the adjournment of the debate until next Thursday, in order that some arrangement might be come to on the subject.

LORD WHARNCLIFFE was opposed to any delay, on the ground of there being not the slightest reason for it, while it would at the same time inflict a serious evil on Birmingham.

LORD LYTTELTON said, it was perfectly competent for the Government to bring in a public Bill in case the Bill before the House was thrown out.

LORD HATHERTON said, that the simple question was whether their Lordships would not give an exemption to Birmingham, after the 100,000*l.* that town had expended for a new gaol and lunatic asylum of its own, from the contribution of so large a sum of money as must necessarily be levied upon it for a similar purpose in the county of Warwick. Great injustice would be done if this Bill were not agreed to. The Bill had been objected to by the Home Secretary in the other House, not upon its merits, but upon the ground that legal questions connected with it were at that time pending before the courts of law.

LORD BEAUMONT denied that the simple question was as the noble Lord who had just sat down had put it. The question solely was, had Birmingham a case or not? The question for their Lordships to consider was, whether they would adopt the principle of allowing a party to defeat a public principle by a private Bill? If their Lordships adopted such a principle, he knew not where it might end—and he would entreat them to pause, whatever the strength of the case of Birmingham, before they sanctioned such a principle. And he made this appeal to their Lordships with the less difficulty, because, as the noble Lord opposite (Lord Lyttelton) had observed, the parties, if this Bill were thrown out, could at once bring in a public Bill, which would do justice in this or any other similar case, without entailing on their Lordships the dangers involved in adopting the principle now sought to be established in a private Act of Parliament.

The MARQUESS of SALISBURY then withdrew his Motion for the adjournment of the debate, and

On Question whether the word "now" shall stand part of the Motion,

House divided:—Contents 31; Not-Contents 58: Majority 27.

Resolved in the *negative.*

Bill to be read this day six months.

PARLIAMENTARY OATHS BILL.

Order of the Day for the Second Reading read.

The EARL of CARLISLE said, that, in rising to move the second reading of the Parliamentary Oaths Bill, he could not but feel sensible that in doing so he laboured under obvious sources of discouragement. With reference to one of the main provisions of the Bill, and which, in fact, gave it its most decisive and distinctive character, the opinion of their Lordships had been taken after a full debate in the last Session of Parliament, and given adversely. The circumstance of that provision having thus recently been brought under consideration of their Lordships, might, undoubtedly, spare him the necessity of going as fully into all the antecedent and particular circumstances connected with the question as he might have felt himself bound to do if it had been now brought under their Lordships' notice for the first time. The other circumstance—the fact of its failing on a former occasion to find favour on the part of their Lordships—might tend to damp his hopes and discourage his efforts; yet, at the same time, the general spirit of legislation in this country on the present class of subjects had long been calculated, on the other hand, to encourage and inspirit those who had faith in certain principles, and who might exhibit unflinching perseverance in bringing them forward. It would also be perceived by their Lordships, that the Bill now before the House was not identical with the Bill of last Session, but sought to carry its scope and its remedies further; and he could not forbear in the outset from calling their Lordships' attention to the additional matter contained in the present Bill. The Bill of last Session dealt exclusively with the proposition for giving relief to the Jews, whereas the Bill now before their Lordships proposed to substitute for the oaths now taken at their Lordships' table and at the table of the other House of Parliament by the Members of either House, who constituted the great bulk of those engaged in the duties of legislation—namely, the oaths of allegiance, supremacy, and abjuration, one oath which he believed contained all that was essential, all that was pertinent, and all that was desirable in those which by the present law were to be taken. Their Lordships had been engaged on a recent occasion in considering the propriety of dispensing with the necessity, in certain cases, for parties to come under the obligation of an oath. Although it must be quite clear that every one of their Lordships who had taken his seat in the present Parliament must be persuaded of the entire lawfulness of the custom of imposing and taking oaths, some of their Lordships had manifested a wish to exempt those who were not equally convinced of the lawfulness of that custom from being subjected to its obligations. But, whatever differences of opinion might have existed on that head, he was sure that every one of their Lordships must feel that an oath when taken should, in form and manner, be rendered as solemn, as imposing, and as reverential as possible. This, he humbly conceived, was not, and could not, be the case when the matter of the oath was either irrelevant, superfluous, or obsolete; and he must further contend, that the oaths now taken at their Lordships' table, and at the table of the other House of Parliament, were not exempt from those disparaging qualities. He trusted that he ever felt a proper reverence for any oath tendered to him, and that he did not think lightly of the obligations under which he took those at their Lordships' table; but he must say, that he never felt less of spontaneous inclination to solemnity or attention than when he was forced to run through a maze of phrases relating to the Pretender, the Princess Sophia, and a family the members of which had now totally disappeared from the face of the earth. There was another objection, of a still graver and more material character, which seemed to him to attach to these oaths which they were now compelled to take. The following words occurred in the oath of supremacy:—

> "I do declare that no foreign prince, person, prelate, State, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm."

Whatever sense he himself, or all their Lordships who were now assembled, might attach to these terms, however innocently and securely they might use the prescribed form of language, yet they knew, not from speculation or theory, but from positive experience, that there were Members of their Lordships' order entitled to take their seats by hereditary descent, qualified by character and attainments to take a part in the deliberations of their Lordships' House, with credit to themselves and with advantage to their Lordships and the public, who, nevertheless, felt themselves debarred from exercising their constitutional privileges, and even discharging the duties of their situation, by their conscientious persuasion that the words of the oath he had now cited were at variance with the actual truth. He need not give instances; but he might mention, by way of illustration, the case of a noble Lord connected with the sister country — he meant the Earl of Clancarty — who had attended to the administration of the poor-law there with equal zeal, intelligence, and ability, and who, on that point, as well as on others, would be well qualified to take a part in the discussions of their Lordships' House, especially with reference to the measures debated both in that House and in the other House of Parliament with respect to the amendment of the Irish poor-law. But that noble Lord was prevented from taking that part which would be natural to himself and advantageous to their Lordships, because he thought the words of the oath did actually mean that which they naturally appeared to convey. Now, it appeared to him that these considerations ought to go far to acquire for these provisions of the Bill which relate to the oaths to be taken by Christians a favourable acceptance at their Lordships' hands. But he (the Earl of Carlisle) should not be dealing with perfect candour, either towards their Lordships, or towards those who were most interested in the progress of the question without that House, if he did not state plainly, and at once, that the portion of the Bill which its proposers regarded as most essential and characteristic of its purpose, that portion of the Bill for the sake of which he had no hesitation in saying it had mainly been introduced — was the portion relating to the oath which it was proposed to tender to a member of the Jewish persuasion, if he should be elected by the people and sent by his constituents to represent them in Parliament. With respect to that portion of the Bill, knowing the character and gravity of the objections which were entertained against it, —knowing the solemn and sacred grounds on which those objections rested—knowing the scruples which were felt by some, he must take leave to say, that there were none of their Lordships, however much opposed to its provisions, who more anxiously than himself wished and prayed that, if its further progress should in the least degree prove detrimental to the true interests of piety and religion, it might now and on future occasions meet with the fate it should then merit. It was for him, however, with as little trespass on their Lordships' time, with as little repetition of what had been advanced before, as possible, to state to their Lordships the grounds on which he thought he could becomingly and safely urge the Bill on their Lordships' cordial acceptance. He laid down as the root and foundation of the whole measure and argument, that, unless there were some grounds of overpowering necessity to the contrary, in no case ought civil disqualification to be attached to religious opinions. For he looked upon this as an essential condition of that perfect code of religious toleration which he must always and everywhere wish to see established in all its breadth and fulness. Such was the spirit and tendency of all their recent legislation. Within his own Parliamentary experience they had admitted Roman Catholics to seats in Parliament; they had admitted Protestant Dissenters to offices under the Crown and in municipal corporations; they had smoothed away the difficulties which lay in the way of the Quakers, and of other sectaries who objected to taking any oath or any form of adjuration. With respect to the Jews, who were the peculiar subjects of this Bill, they had seen a special Act passed which admitted them to municipal offices, under which many posts of high mark and trust had been filled most advantageously and honourably by members of the Jewish persuasion. They had seen another special Act passed, the 9th and 10th Victoria, which placed the Jews, with respect to their schools, and their places of worship or synagogues, on an entire level with all the rest of Her Majesty's subjects. And it did seem to him, that when they saw men of the Hebrew persuasion, exercising the elective franchise, practising at the bar, dispensing justice from the bench, filling office as high sheriffs, justices of the peace, aldermen, recorders, and mayors, the question of principle was really all but disposed of. With respect to the practical effect of such measures, he would only ask, (if they believed there was any risk of mischief,) whether there would not be less risk in the event of one or two Jewish Gentlemen taking their seats in the other or in either House of Parliament, where they would be observed, watched, outnumbered, outvoted, subject to all the discipline of Parliamentary tactics and arty allegiance, than there would be when any Jewish magistrate took his seat upon the bench, alone or in company with another colleague, and when he might be called upon to decide questions directly relating to religion, such as a charge of disturbing a congregation, an indictment for blasphemy, or the levying of a church-rate? He had been informed by a distinguished gentleman of the Jewish persuasion, who discharged one of the offices which the increasing toleration of the age had opened to the Jews, that when he sat as a magistrate, he had sometimes to administer the following oath to Protestant Dissenting clergymen:—

> "I do solemnly declare, in the presence of Almighty God, that I am a Christian and Protestant, and that I believe the Scriptures of the Old and New Testament, as commonly received by the Protestant Church, do contain the revealed will of God, and I do take the same as the rule of my doctrine and practice."

He begged to observe that the Jews were now the only body of men resident in this country who were excluded from an equal share in the benefits of the constitution with all the rest of Her Majesty's subjects, and that a seat in

Parliament was now almost the only privilege from which the Jews were excluded. It had been very ably stated in Parliament upon a former occasion, that the Legislature had never specially or purposely adopted any enactment or embodied any declaration for the purpose of excluding Jews from Parliament. He believed, indeed, that from the 1st to the 13th of William III. there was no obstacle, direct or indirect, to Jews sitting in Parliament. But he at once admitted that there was no evidence of the Legislature having ever deliberately contemplated the possibility of Jews taking their seats in Parliament. Still the fact remained that their non-admission was occasioned by indirect and collateral enactment not specially directed against them. He felt assured that the generosity of nature which was so characteristic of their Lordships' House would not incline them to listen less favourably to the anxious and often-repeated wishes of the Hebrew people, because their denial was not likely to lead to any explosion of popular violence or outbreak — that the Jews would not suffer at their Lordships' hands because there was little chance of their descending into the streets, throwing up barricades, constituting a Provisional Government, and raising the cry of "To your tents, O Israel!" and he begged their Lordships to remember that when that cry was raised in our streets, it was not raised by the men of Israel. But he was happy to think that even if he could be guilty of the bad taste and bad judgment of suggesting upon any subject an argument savouring of a menace to their Lordships' House, it was entirely excluded from this question, and could have no place there. But their Lordships would not do wrong to consider, when looking at the general course of legislation in our own country, and at the uniform current of feeling and action upon the subject which pervaded the world at large, and which was setting in more and more upon the side of toleration—seeing the parties who were devotedly pledged to the cause, and who were sure not to relax their hold of it, but would bring it forward year after year, and Session after Session—seeing, as they do, the aggregate support which it gained out of doors, and in the other House of Parliament, and which was receiving a gradual increase—it would be well, he said, for their Lordships to consider whether or not it was desirable that the struggle which, so far as they could see and anticipate, could have but one termination, should be embittered by a delay which seemed certain to be unavailing. He should feel it to be entirely idle and superfluous in an assembly such as that to remark upon the high worth and respectability of gentlemen of the Jewish persuasion, or upon the general good, orderly, and loyal conduct of the majority of the Jewish community resident in our land. He felt certain there was no danger of their conduct being misconstrued or misrepresented there. Indeed, on previous occasions, testimonies far more valuable than any which he could adduce, had been borne upon this head. A charge had indeed been alleged against them in another place; but with the faith he had in the fair and generous construction which their Lordships were likely to put upon the character and conduct of all their fellow-citizens, he did not feel called upon to notice that charge, respecting their dealing lightly with the obligation of an oath, unless it should be renewed by some of their Lordships. But, whatever objections upon historical, or constitutional, or personal grounds might be entertained against the admission of Jews into Parliament—whatever may be alleged upon the score either of our own Parliamentary practice, or our national customs, or the circumstances, traditions, and associations of the Jews themselves—whether it be said that we had never dreamed of admitting the Hebrew race to a share of the supreme duties of legislation and government, or that the Jews themselves are a distinct people, living under their own institutions, administered by their own people, and necessarily biassed by their influences, having all their aims and aspirations directed to another home and another country—it will be observed that he purposely gave all those pleas in an extreme and exaggerated form, because those who are best acquainted with our Jewish fellow-subjects must be aware that a due share of their speculation is expended upon objects of much nearer consequence; but whatever, great or little, may be the objections of those whom he addressed, he felt so fully convinced of the kindness of nature and liberality of spirit of their Lordships, that he was confident they would not refuse this last act of emancipation to the Jews; they would not withhold from them this crowning measure of grace and favour; they would not decline to put the finishing stroke to the otherwise perfect code of religious toleration which had happily been established among them, were it not for what might be termed the religious objections which were involved in the question. He felt confident it was not as Peers, that it was not as Englishmen, that it was not even as Churchmen, but it was as Christians they would feel constrained to refuse what otherwise he was sure they would be glad to do. If he might venture feebly to interpret the feelings and motives by which the opponents of this measure were actuated, he would say that they felt as if it would be a failure in their allegiance to Him whom they worshipped if they were to show a fresh mark of distinction to those whom they looked upon as His deniers and enemies — they felt that by admitting the Jews to high places of rule and power, they might be doing what in them lay to soil the lustre of that crown which it was their highest aim and best hope to lay at the feet of their Redeemer. He would endeavour to show, however, why he thought that, even upon religious grounds, they ought not to refuse to pass the present Bill. He was quite aware of the objection which attached to the prominent obtrusion of this topic even in an assembly composed of Lords spiritual and temporal; but yet, when he knew that religious scruples were conscientiously entertained, and would be powerfully marshalled against the measure, he hoped an opportunity would not be denied him of stating, in no light or irreverent spirit, his conviction that those scruples might and should be neutralised and effaced. He would remind their Lordships of the distinct disapprobation with which all those who opposed the Jewish people, and the distinct approbation with which all those who assisted and befriended them, were spoken of in holy writ at various periods of their history—not only in the time of their favour and acceptance, but when the countenance of Heaven seemed to be visibly withdrawn from them — when they were labouring under the direct penalties of a broken law and covenant—as much when they were in the house of bondage as when they were in the land of promise—as much when they were in the great and dreadful wilderness as when they were on the sunny slopes of Palestine — as much when they were in the prisonhouse of Babylon as when they were in the courts of their own temple. Their Lordships would recollect how it was said, "Remember, O Lord, the children of Edom in the day of Jerusalem, who said, Rase it, rase it, even to the foundation thereof. O daughter of Babylon, who art to be destroyed; happy shall he be that rewardeth thee as thou hast served us." They seemed like the tree which was struck by lightning, according to the old superstition—it was seared and blighted, but still it was the worst of sacrilege to cut it down. But it would naturally be said that all this was previous to the great national crime which, in the opinion of Christians, had fixed the destiny of the Jews in the succeeding interval of time, and that their self-sought and divinely-ratified doom had to be fully fulfilled and fearfully worked out in the subsequent condition of the Jewish people; but it is now, as in those times, for us to consider what line of duty devolves upon ourselves. He begged to say that, whatever latitude might be given to them in the interpretation of the course of unfulfilled prophecy, they ought to leave its fulfilment to divine agency, and that it was not for them to decide the precise part which they might be called upon to play in the development of prophecy, which was in no way positively revealed to them, but punctually to obey the letter and spirit of the precept which had been plainly delivered to them for their guidance. Formerly, States as well as churches had thought it within the scope of their duty to bear an actual part in the infliction of the positive suffering, which was the burden of prophecy, upon the Jews. This, for the most part, had happily ceased among most States — we had long ceased to do so. We no longer burned the Jews, or pulled out their teeth, or levied extortionate fines upon them; but it became us to consider whether the same mistaken sense of duty which, mixed with many baser and meaner motives, formerly led to the perpetration of those gross forms of persecution against the Jews, might not still insensibly lead them to a more concealed and refined method of persecution, for persecution he undoubtedly considered it, where there was not an equality as to privileges and enjoyments, at the same time that there was an equality of liability to burdens. Such a course, he thought, could only be defended upon the ground of positive danger to the State. Now, he put it gravely to their Lordships (viewing the question for a moment apart from principle) whether they conceived that, if this Bill became law, and they allowed a Jew to represent a constituency which thinks proper to place a trust in him, there would be any risk of a rush of men into Parliament with more dangerous subversive views, with a greater tendency to radicalism, republicanism, or socialism, than could be expected from any other quarter? He thought, on the contrary, it might be plausibly contended that there was no quarter from which there was less danger. With respect, also, to the repose and safety of the Church, he did not think there was any class of men from whom a spirit of meddling and interference with the temporalities and discipline, or the external concerns of the Church, was less likely to proceed. The question, then, came, was it the duty of Christian men to refuse this last piece of emancipation to the Jews, in order to make the Legislature exclusively Christian? Was this the sense and spirit in which they ought to interpret the oft-repeated phrases of our being a Christian Legislature, and of Christianity being the law of the land? He humbly conceived that the Legislature would continue to be Christian after the admission of one or two Jews into Parliament, just as he conceived we were a Christian people notwithstanding a very considerable admixture among us of Jewish fellow-citizens. And with respect to Christianity being the law of the land, he begged to say that it was the law of the land certainly, so far as blasphemy or violence against her rites, worship, or mysteries, would be punishable by the law of the land; but it was not the law of the land in the sense of compelling or inducing any man or woman to profess or receive it. The object of all restrictions formerly, he conceived, was to secure the unity and predominance of the established form of worship and creed; but he had said enough to show, even if it had not been obvious enough to their Lordships, that by the whole modern system of legislation this policy had been abandoned and annulled. But it might be said that the oath at present taken by Members of both Houses of Parliament was one way of insuring a Christian Legislature, and that with that view we still retain the words in the oath "on the true faith of a Christian;" but surely none of their Lordships would contend—least of all would any Member of the right rev. Bench contend, that the taking of an oath was of any value in securing uprightness of conduct and purity of heart. Was there no better and more effectual way of making men Christians? Would it not be better to impregnate the whole atmosphere around them with Christian habits and dispositions, so as to make that the successful, because unforced, and unbought, means of inducing persons in the outer fold to approximate to them, instead of relying upon privileges and preferences for that purpose? They boasted of living under a more perfect code of morality than was ever inculcated under any other system. They asserted that it offered stronger incentives to rectitude of conduct, greater purity of life, greater warmth of benevolence, and a greater depth of self-denial, than had ever been imagined in the dreams of legislators, philosophers, poets, priests and prophets. If, then, they had that reliance upon the sacred character of those principles which they professed, why need they feel any petty jealousy at encroachments upon them; why indulge in timid misgivings, which ought alone to be the attribute of conscious inferiority? Let them discard all such unworthy fears. The Christianity which they professed, and which was their brightest inheritance, needed no outward bulwark or guarantee, but ought to be as expansive as the heaven from which she came, according to the line beautifully adapted by Mr. Fox—

> "Tuque prior tu parce genus qui ducis Olympo."

Venturing to think that Christianity showed most of her own spirit when she associated with, and lifted to her own level, even what was most repulsive to her—when she displayed in the high places of government and empire the same beauteous maxims which ought to pervade the common concerns of daily life, such as that she was sent not to seek her own, and that we ought to do unto others as we would that others should do unto us—he felt that he was tendering no advice unbecoming their adoption, either as Peers of Parliament or fathers of the Church—he felt that he was not offending even the most hallowed associations of the place in which he was then speaking, not even that connected with the picture recently introduced to them of the baptism of the first Christian King, when he called upon their Lordships to remove the last glimmer of intolerance from the Statute-book—to admit that long-oppressed race to the sign and substance of equality which was still denied to them—and to render this a just measure of retribution for all the woes and wrongs of the past. He begged to move that the Bill be now read a second time.

The EARL of EGLINTON entirely concurred with the noble Earl in all that he had stated as to the good conduct which characterised the Jewish people as citizens. But this Bill, which now appeared under another name, was, to all intents and purposes, the same Bill which last year their Lordships had done themselves so much honour by rejecting by a majority, very differently constituted, and much larger, than those which they had lately seen in that House. There might be words in the Parliamentary oath which lapse of time might have rendered unnecessary; but he thought every one of their Lordships was agreed that their removal was not the object of the Bill, but that this, like its predecessor, was for the purpose of removing certain disabilities, and admitting the Baron Rothschild into the House of Commons. He thought this could hardly be denied. If any of their Lordships were to vote for the second reading of this Bill, with a view to omit what was unnecessary in the Parliamentary oaths, and to retain that which was the Christian part of it, they would be assenting to the principle of the Bill. For, short as the Bill was, and curiously mixed up with the affirmation of Quakers, the last half of the fifth clause contained the principle of the Bill; and if their Lordships were to assent to the principle of the Bill by agreeing to the second reading, he thought that recent experience might show them that noble Lords and right reverend Prelates would have very little chance in Committee of finding favour for their amendments or suggestions. He objected to this Bill principally on religious grounds, but he also objected to it for political reasons. True it was that the constituency of the city of London had chosen as their representative a gentleman whose worth in his private character, and whose position in society, entitled him to the consideration of his fellow-citizens; he freely conceded all that. But the citizens of London knew he could not sit in Parliament: it was true there was no legislative enactment against it; but he could not take the oath at the time of coming up to the table without forswearing his religion. Again, he looked upon this as a retrospective Bill; and however much it might tend to gratify the wishes of certain people, he thought it was not a convenient course to pursue to pass *ex post facto* measures, because a particular constituency chose to elect a Member who was not able to sit under the existing law. He objected again to this Bill because the Jews were a separate nation; they called themselves a separate nation, they had no patriotic feelings toward this country—some of them, as the noble Earl had stated, had considerable possessions, and they had a strong determination to take care of those possessions. If they admitted Jews into Parliament, why should they not admit any alien? Why not admit an infidel? The Mahomedan might say, "I desire to be sworn on the Koran." The infidel might say he must have the name of God erased from the oath. So that they would have the table covered with a list of oaths, which any man might select as he would his hat or a walking stick. He contended there was something awful in the idea of debating whether they should erase from an oath which bound men to the most important duty of legislating for their country, the name of Christ, the author of all good on earth, our Saviour, and our God; knowing as they all did, that in everything His name ought to be the watchword, and His example our guide. It was proposed to vote that His name was unnecessary in a solemn oath taken to the Almighty. No one proposed to take away from the Jews any right they ever possessed. It was true that in ancient times no Act of Parliament excluded them from Parliament, and that the oath was comparatively of modern introduction; but then, in ancient times, the Jews were proscribed, and were not capable of holding any office. Their exclusion was not for the purpose of persecution, but simply to prevent them legislating for a Christian nation or a Christian Church. The noble Earl had alluded to the privileges conferred on the Jews, and among others to that of the elective franchise; and it was said that as a Jew could vote for a Member of Parliament, why not allow him to become one? But between the privilege of an elector and that of a person elected, there was a great and important difference; because by the law as it at present stood, a Jewish elector, however much he might be opposed to the Christian religion, was obliged to elect a Christian representative. But admit him to Parliament and he doubted if they would preserve the same spirit of Christianity even in their language. Now, the slightest approach to impiety or blasphemy would be at once scouted by their Lordships; but if this Bill passed they would have no guarantee that such would be the case, because that which in a Christian would be horrible, would in a Jew be praiseworthy, because conscientious. If a debate arose upon the better observance of some of the great Christian rituals, what would be the feeling of their Lordships to be told that it was founded on a delusion and mockery? What would be the feelings of the right reverend Bench if they were to hear the Christian religion reviled, and the name of Christ blasphemed? They were advised not to reject the Bill that had been twice sent up from the representatives of the people. He did not believe that it was desired by the people. They had presented comparatively few petitions in favour of it, and, after the measure which had lately passed by a large majority of the Commons and a small majority of their Lordships' House, in opposition to the hundreds of thousands of petitioners, he could not think they were bound to consider the House of Commons as peculiarly the exponents of the wishes of the people. He thought they had already yielded too much to expediency and the clamour of party; and as they valued the Divine assistance hereafter, he implored them not to deprive Parliament of its best and noblest attribute—that of being exclusively a Christian assembly. As yet, thank God, he could fearlessly refer to the New Testament, and he therefore ventured to recall their Lordships' minds to the solemn warning given by our Saviour to one who was far more pious than any one in that House, and which would be literally applicable if this Bill were to pass—"Before the cock crows thou shalt have denied me thrice." The noble Earl then moved that the Bill be read a second time that day six months.

The DUKE of CLEVELAND said, that he was desirous of explaining why he would support the Bill, having opposed the last measure, he having changed his opinion. He felt only one regret, that of differing from those with whom he generally acted; but in all assemblies of men there must be different shades of opinion, and if they were observable sometimes even in the Cabinet, they were the more readily justified amongst a larger number. He fully agreed in the opinion expressed by the noble Earl opposite (the Earl of Carlisle) that religious opinions should never interfere with civil privileges. It was upon that principle he voted for the repeal of the Test and Corporation Acts, and for the emancipation of the Roman Catholics in 1829. In 1830, however, he voted against the Bill, then for the first time introduced, for the emancipation of the Jews, which he did, as he then thought, upon very strong grounds, one of these grounds being that Jews did not embrace the Christian faith; and although he felt that to be still the case, his objection on that score was greatly mitigated. The next objection that he then had was, that at that period there were several other classes of British subjects excluded from Parliament who had still stronger claims than the Jews; and the third objection was, that there then existed nomination boroughs to which persons having money might be elected contrary to the wishes of the public and of the constituency. The two last objections had been since entirely removed, and the only one left for consideration was the former. In the year 1830, Mr. Robert Grant thought that after the political changes that had taken place, the time was a favourable one for bringing forward a measure on this subject; but he was defeated on the second reading by a very large majority, chiefly on the ground that there were other classes of British-born subjects excluded who had a better right to sit in Parliament than the Jews. Now who were these classes? First and foremost among them ranked the Quakers, a most respectable body, who were remarkable for their industrious habits and their charitable behaviour, but who were prevented from sitting in Parliament by their refusal to take an oath. But in 1833 a Quaker had been elected for a very large and influential county, though both he himself and those who had elected him knew that their votes had been thrown away, and that he could not take his seat in Parliament without taking the oaths, which he would not do. That case of Mr. Pease was, he thought, nearly similar to the election of Baron Rothschild for London in 1847, because it must have been equally well known at the latter period that the Baron was debarred from taking his seat. If, however, a special Act of Parliament were introduced to admit the Baron to Parliament, no new precedent would thereby be established, inasmuch as the Quakers had been admitted by allowing an affirmation to be taken in their case instead of an oath. On that occasion the noble Lord who had introduced the present Bill, was, he believed, the very person who moved the introduction of a Bill for the admission of Quakers into Parliament; and since then Moravians and other classes of Christians had also been admitted, and there was at present no class of British-born subjects excluded from Parliament except the Jews. Now, he must say that this was clearly a case of hardship and injustice towards the Jews. He would ask, had the Jews ever proved themselves to be dangerous to the State? Had they done anything to stigmatise other religionists? There was no class so few of whom had been convicted of felonies and criminal offences. He had always looked upon them as a harmless, industrious, and money-making people. They were famous, indeed, for driving a hard bargain occasionally; but he did not believe that that was a characteristic peculiarly belonging to them; on the contrary, many Christians were remarkable for driving equally hard bargains. The only real objection urged against the admission of Jews into Parliament was that they were unbelievers, and that, if we admitted them, we threw disgrace upon the character of our Christian Legislature. Now, he would admit the force of this argument if we had never yet admitted any one into Parliament who did not call himself a Christian. The Quakers, for instance, called themselves Christians; and as he lived amongst them, and knew them to be a very conscientious sect, he had not the slightest wish to say a single word offensive to them. But it was impossible to deny that they held very peculiar religious opinions and tenets. It would offend them to say that they were not Christians; and yet facts ought to be mentioned. What was it that constituted men Christians? It was not the circumstance of their having been born of Christian parents or in a Christian land. It was held that no one was a Christian until he had undergone the ordinance of baptism; but it was well known that the Quakers did not recognise such an ordinance. If it could be proved to him that any danger would result to the Established Church from the admission of the Jews to Parliament, he would be the last to support the present Bill; but he never could be brought to believe that any danger on that head need be apprehended. In the first place, the number of Jews was very limited, and, in the next, there was not a more peaceable sect in existence. He thought there was far more danger to the Church to be apprehended from some of the Dissenters than from the Jews, for the latter had never attempted to make converts; they were not a proselytising sect, their intermarriages with Christians were very rare; and though he had heard of Jews becoming Christians, he had not heard of many Christians becoming Jews. The Legislature had in his opinion either gone too far already, or they had not gone far enough. In 1831 the noble Lord opposite introduced the Sheriffs' Declaration Bill, under which Jews had filled the office of sheriff of London, Middlesex, and he believed other counties; and by the Bill of a noble and learned Lord not now present (Lord Lyndhurst), other privileges were extended to them. Now, if they had not abused any of those privileges which they already possessed, what objection could there be to extending their privileges still more, and to the admission to a seat in Parliament of a gentleman who had been elected two years ago by one of the largest and first constituencies in the kingdom? He thought he had shown enough to justify him in now entertaining a contrary view from that which he had advocated on a former occasion. They were at all events sufficient to satisfy his own mind. He had no personal motive in this matter. He had scarcely any knowledge of any person of the Jewish persuasion, and scarcely ever exchanged a word with a Jew in his life; and in giving his support to this Bill, he only did what he considered to be a strict act of justice and of conscience.

The ARCHBISHOP of CANTERBURY said, that, unwilling as he always was to trespass on their Lordships' attention, and having declared last year the reasons upon which he felt it his duty, however reluctantly, to express his opinion and to give his vote against a similar measure to the present, he should have sheltered himself under the opinions which he then had the honour of laying before their Lordships, if the circumstances of the times had been exactly the same as they were twelve months ago. But it appeared to him that there were circumstances connected with the present time which gave double force to the objections thus urged against the measure, and which he felt bound to state to their Lordships in the light in which they appeared to his own mind. The principle of the Bill had been stated by the noble Earl who opened the debate, with a spirit of candour which he (the Archbishop of Canterbury) would endeavour to imitate in the few remarks he intended to offer. The noble Earl allowed, that the distinctive character of the measure was to lower the qualification of Members of both Houses of the Legislature, so as to make it a matter of indifference whether those who had seats in either House of Parliament should or should not be members of the Christian religion—it was to place in the same class (so far as legislation could effect this) the Christian who received the whole revelation of God, and the Jew who did not receive it—it was to say that each or either of these parties was equally fit for the discharge of the highest duties which a subject of any State could be called upon to perform; that they were equally fitted for an honour which was eagerly sought for and highly prized, and the possession of which was considered as an ample recompense for laborious duties and heavy responsibilities. Such was the principle of the Bill; and now he would consider the particular season at which their Lordships were called upon to accept it. England at the present time stood in a very peculiar position compared with the rest of Europe. She stood alone — a monument and an example of freedom and social order. She stood as a column among other columns, which a short time ago seemed as erect as herself, and to have as firm a foundation, but which, having now tottered to their fall, had shown that their foundation was different from ours. The nations themselves, who admired that contrast which she presented to their own broken and disordered state, hesitated not to attribute the difference to our national and scriptural religion — that religion which, cementing together the various orders of society, and hallowing our civil and social institutions, imparted a sanction to our laws which nothing else could give, and enabled us to stand secure against the storms of anarchy. Was this a time, then, to cast any reproach upon that religion; and was this the time for saying that it was a matter of indifference whether it was professed or denied by those who held a place in our national councils? But this was not all. England had not only been marked by peculiar privileges, but she had been the subject of many and peculiar blessings. He need hardly call back the recollection of their Lordships for a few moments to the anxiety felt at a recent period relative to the fate of our Indian empire—those fears which were felt during the interval which elapsed between the accounts of the first great battle and the second, and until the happy intelligence arrived of the overthrow, dispersion, and submission of a dangerous and infuriated enemy. The brave commander who gained that victory had not hesitated, like other great commanders who had fought and conquered in the same field, to ascribe the glory and the success to Him who had "nerved the soldier's arm, and given courage to the soldier's heart." The victories which consolidated our Indian possessions, and produced a state of tranquillity, such as he trusted might long continue in that great empire, were most important mercies. They were important at any time, but never more important than now. Surely it would be a poor return to Him to whom we ascribed the praise for such mercies, if we made it appear that we beheld with the same eyes a body of men to whom the Divine favour had been granted, and those from whom that Divine favour had been withdrawn—judicially withdrawn—because it had been forfeited. He would not willingly speak harshly of any man, or any class of men; but believing the Bible, he could not believe that the Almighty regarded with the same favour those who accept his merciful offer of reconciliation, and those who reject it. And if the Jew rejected that offer, should we say that on that account he lost nothing in our esteem — that we thought him equally worthy with the Christian of the highest privileges of the State—equally worthy to take part in the legislation of a Christian people? He should have been content to stop here, if it had not been necessary that he should advert, in a very few words, to an argument already used in the course of the debate, and which he had often heard in answer to reasoning such as that which he had ventured to lay before their Lordships. It was this—that we had already, notwithstanding our present oath, "on the true faith of a Christian," admitted those to the Legislature who were not less hostile to religion, and not less likely to injure it, than the Jews. He hoped this was not the case. But granting, for argument sake, that it might be so, such parties were not in Parliament as the professed enemies of Christianity, still less were they there with their Lordships' permission or sanction. Parliament had done all it could do when it required the profession of Christianity. Beyond that it could not go, without adopting an odious inquisition. It was one thing to admit persons who came under the name of professed friends of Christianity, and another to throw open the gates without distinction to friend or foe. He called upon their Lordships not to commit such a solecism in legislation as to lower the principle and alter the standard of qualification, because in practice it was not always attained. Those were the reasons which made him trust that their Lordships would pause before they passed the Bill. He had stated the case as it appeared to his own mind. He was well aware that there were others, not less alive than himself to the great interests which were concerned, who saw the subject in a different point of view. Not to mention the original Mover of the question, the noble Earl who had proposed it to their Lordships, and even some of his right reverend friends who differed from him, taught him, if not to distrust his own judgment, at least to be candid towards the opinions of others. But judging according to his conscience, he trusted that the result of the debate would prove that their Lordships had not changed their minds since the subject was last before them.

The ARCHBISHOP of DUBLIN regretted to take a different view of this question from that held by the most rev. Prelate. He did not consider the present question to be, as had generally been represented, whether a Jew was or was not a fit person to sit in Parliament; the question was whether electors should decide according to their own judgment, or whether Parliament was to guide them in their choice by means of certain restrictions. He would explain this view by saying, that if any person were to advocate strenuously the passing of this Bill, and were afterwards to give his vote for a Christian rather than for a Jew, the former being thoroughly qualified, he would not on that account be guilty of inconsistency. The question was, whether this was a matter which might not be safely left to the electors; and he hoped that their Lordships would not think any one who held that it might be so left, indifferent to the interests of religion. There were many circumstances that might in his mind operate as an objection to a person holding this or that office; that, however, would not lead him to impose any restrictions on the electors with whom that choice was to rest. If they were to act on such a principle, they might by degrees deprive men of every right they might possibly possess. It was necessary to show that there was some very great public advantage, and some strong necessity for taking away from them the privilege of election, or continuing a restriction where it existed, before they were entitled to take that course. He came forward now, as he did sixteen years ago in a similar case, not as the advocate of the Jews, or as wishing to remove Jewish disabilities—though he should be sorry to place any unworthy stigma on the Jews—but for the purpose of removing Christian disabilities, for removing what appeared to him—and he spoke with great earnestness and solemnity—a stigma, not on the Jew, but on our own religion. He thought it was opposed to the whole principle of our religion, to suppose it necessary to impose any disabilities on those who did not conform to its views. His own conviction was that such was not the intention of its Founder, nor of His immediate followers. The latter were found pressing earnestly forward everywhere for the purpose of bringing individuals by conversion to Christianity; but they all along declared that they had no political character, and they renounced, as Christians, all interference with secular affairs. They did not withdraw from secular affairs, but they did not mix up their Christianity with secular professions and secular support. They did not find that the Apostles called upon Dionysius the Areopagite, or upon Cornelius the centurion, to resign their offices; but they went about declaring that Christ's kingdom, to which they belonged, "was not of this world;" and they neither imposed disabilities on those opposed to them, nor attempted to monopolise privileges for themselves. They were told that the Apostle Paul was brought to trial for speaking against Cæsar, and setting up another king called Jesus; but they uniformly found him disavowing all attempts to set up the Christian system by secular means. Now, if the first followers of Christ had become strong enough to enable them to monopolise in behalf of Christianity certain offices under the Roman Emperor, and to exclude from them all who could not take an oath "on the true faith of a Christian," would they not by so acting have laid themselves open to the charge of being deceivers? But they disavowed all such practices, and hence he inferred that it was not lawful to introduce or keep up any such political disabilities or civil penalties as from time to time had been enacted for the protection and pre-eminence of the Christian religion. He had seen it repeatedly stated in newspapers and pamphlets, that this was not a question from which any particular danger could arise to the Church, but that it was a mere question of principle. In that view he concurred. Pious and conscientious men had said, that if they were persuaded not one Jew would find his way into the Legislature or into office, still they would vote for the measure, as one doing away with a dishonour to Christianity. If the law were what it was some years ago, that all persons admitted to Parliament or to office should be compelled to profess the religion of the State, then there would be some plausible, though not good, grounds for bringing a charge of indifference to religion against those who would admit persons not belonging to the Established Church; but there seemed to be a great inconsistency, when they had removed those first barriers, in leaving this remaining one. Those who said that by allowing persons to be elected who did not profess Christianity, they were exhibiting indifference to Christianity, must show that when they admitted Roman Catholics and Dissenters, they were not showing indifference to their own Church. They admitted to that House persons who were not only not of that Church, but who might make use of their place in that House to disparage and damage the Established Church. Now, if they were wrong in so doing, they ought in consistency either to go forward or go back—either to admit those who did not profess Christianity, or exclude those who were opposed to the Established Church. He had always been favourable to the removal of religious disabilities; but it was peculiarly important to remove this last disability, precisely because it was the last, in order to show that they were not proceeding on the principle of indifference to their religion. There were many persons calling themselves Christians in a certain sense who believed that our blessed Lord was just such a person as Socrates or Confucius. Now, he did not see how, upon the ground taken by the opponents of this measure, they could avoid the charge of being indifferent to all religious persuasions, while persons holding such views as these were admitted to the Legislature. It was important, therefore, either to retrace their steps and exclude from office all who did not belong to the Established Church, or remove this last restriction. No one apprehended danger to the Established Church from the admission of the Jews, and therefore he hoped this measure would be passed as one that removed what was an insult and affront to Christianity. He hoped he and those who agreed with him would get credit for being as anxious to avert any stain from being cast upon Christianity as those who differed from them. They took a different view from that taken by them of the spirit of their religion, and they believed that in so doing they were acting in the spirit exhibited by our Lord himself and by His Apostles.

The BISHOP of EXETER observed, that the argument of his most rev. Friend seemed to proceed on the supposition that those who opposed this Bill had been anxious to admit all who differed from the Established Church, except the Jews. That they had seen their arguments set at nought, and their principles trampled upon from time to time, was too true; but that was no reason why they should voluntarily surrender this last security. The Jews were in a very different position from all Christian sects. His most rev. Friend had said, and surprised him by saying, that there were Members of that House, amongst those who professed other religious doctrines than those of the Established Church, who exercised the political power they had acquired as Members of the Legislature to the injury of that Church. He felt bound in justice to say that he knew not of any such; and those Gentlemen who had solemnly pledged themselves not to use their influence as Members of the Legislature to the injury of the Church, as by law established, he firmly believed were men of honour, and would keep their pledge. His most rev. Friend had spoken of the great care their Lordships should take of the interests of the electors; but in his opinion the electors in this case had very little claim on their Lordships' consideration, inasmuch as that knowing the law of the land laid it down distinctly that certain persons shall not be eligible to sit in Parliament, they nevertheless elected a person so by law disqualified, and now made such election the ground of endeavouring to force from their Lordships the abandonment of this, as he considered it, important and necessary restriction. He had listened to the speech of the noble Earl (the Earl of Carlisle) with deep interest, but not without some pain. That speech appeared to him to be marked by a peculiarity, in which it stood forth prominently singular. Here was a Bill professing a certain principle—and the party who proposed it told them, "This professed principle is not the principle after all. The real principle you will find contained, not in the preamble, but in the last page. We are attempting what we tried last year, it is true; but we are anxious to succeed by putting forward a mock principle to catch stray votes for the second reading, intending to alter the Bill in this respect afterwards in Committee." He knew his noble Friend (the Earl of Carlisle) was far superior to such a trick; but he did not think those who were the authors of the measure were equally free from the charge. But there was a still more striking and important peculiarity about this Bill, which was, that by it their Lordships were invited, silently and secretly, for it was not avowed, to repeal the Bill of Rights. The oaths quietly disposed of by this Bill were in fact those very oaths which were made the condition of placing King William and Queen Mary on the throne of these realms. That Bill required that after the declaration of rights an oath should be taken declaring that no foreign Prince, Prelate, State, or Potentate hath, or ought to have, authority, ecclesiastical or spiritual, temporal or civil, within these realms. This solemn engagement was required in order that no supremacy on the part of the Pope or other Power should be admitted; but now they were invited, or rather brought into a position in which they might be tempted to seal the destruction of that safeguard. It had been argued that it was quite unnecessary to keep the oath of supremacy, because Sir Matthew Hale said, that the oath of allegiance contained all that the oath of supremacy included. But he did not recollect, that in the case mentioned, the oath of allegiance would bear two opposite interpretations. If this Bill passed, the oath of supremacy would be contradicted by the oath taken by the Roman Catholic, who did not hold that the Pope had no ecclesiastical or spiritual jurisdiction, and the State permitted them to hold that he did. It was now proposed to make two opposite constructions of the phrase "and I will true allegiance bear." In the one case it was to be considered as a denial of the Pope's jurisdiction, and in the other as admitting such jurisdiction. This, in his opinion, was a sufficient reason for rejecting the Bill. It was an infraction of the Bill of Rights, and that not for the purpose of carrying through any important measure. If it were necessary to introduce Jews into the Legislature, let it be done by a Bill like the one of last year, without trenching on the Bill of Rights. The noble Earl (the Earl of Carlisle) said, it was tyranny where there was no equality of enjoyment, while there was equality of burdens; and asserted the absolute right of admission unless sufficient reasons to deprive them of it could be shown. Now he (the Bishop of Exeter) held that whatever might be the rights under a republican form of government, they had no such rights in a monarchical State. In a republic every member had equal right to admission to all distinctions and all offices; but it was not so under a monarchy—there you must consider who were the parties who would serve that monarchy faithfully. This, too, was a monarchy of a peculiar nature, bound to certain duties, and resting on certain conditions entered into with the nation. Since the Restoration, it rested on a contract which was expressed in the coronation oath, by which the Sovereign was bound to maintain to the utmost of Her power the laws of God, the true profession of the Gospel as well, and, particularly, the Protestant reformed religion, as established in this kingdom. No one, therefore, under such a monarchy, could claim a constitutional right to the franchise, unless they could show that they could serve the Crown in that particular way, and in furtherance of those particular objects to which the oath referred. The Parliament of this country was not a mere congregation of 400 Members in one, and 500 or 600 Members in another House, without specific duties, and without specific qualifications being required from them. Parliament in this country was the Great Council of the Crown; and every one admitted to that Council should be willing and able to give faithful homage to the Crown in the discharge of its own duty to the end it had sworn to carry out. Then where was the right of the Jew, when it was obvious that he could not consistently with his own profession, and with his own faith, be faithful to the Crown in maintaining to the utmost the true profession of the Gospel. Coke had shown that no one was qualified to sit in Parliament who was not prepared to uphold and defend the true religion as established by the State. Parliament was Christian only while it directed its deliberations on Christian principles and to Christian ends. In that way he held that the Parliament of England was Christian, and it was bound to be so by the constitution. It was true that the established religion had been broken in upon by the admission of those who were opposed to it; but still all who had been yet admitted were Christians; they all had faith in the same Saviour, and so far they could all act together in the discharge of the great duties which, as a Christian Legislature, devolved upon them. Parliament must be considered as a body corporate, not as a collection of individuals, and, as such, bound to adhere to the declarations which the law of Parliament required from them. Though he felt it painful to cite Scripture in the heat of debate, he felt bound, especially after what had fallen from the noble Earl, to call their attention to the command, "Remember that whatsoever ye do, in word or in deed, ye are to do it in the name of the Lord Jesus." Seeing that this was their plain and express duty, it appeared to him that they could not consistently admit Jews to assist in the discharge of it, and he earnestly hoped that their Lordships would reject the Bill.

The EARL of SHREWSBURY: My Lords, when the question of Jewish disabilities was before the House last Session, I contented myself with a silent vote, seeing no especial reason for trespassing on you on that occasion; but now that the case is presented to us in a totally different form, I feel it necessary to trouble you with a few observations. My Lords, notwithstanding all that has been asserted to the contrary, both here and elsewhere, I cannot but consider this measure much more as a political than a religious question. Indeed, I can see nothing in it but the natural development of the necessary carrying out of that great principle of civil and religious liberty now so intimately interwoven with the constitution. Nor can there be a better policy, in this age of discontent and disorder, than to conciliate all classes by incorporating them with, and attaching them to, the institutions of the State. Certainly I had desired that it had gone further, and had restricted the qualification for the exercise of legislative rights to a simple oath or affirmation of allegiance for all. Indeed, my chief object in rising, is to point out the shortcomings of this Bill, and to protest against the injustice and inconsistency belonging to it; for, my Lords, from the very title and preamble of the Bill, it is but too clear that its principle is the emancipation of the Jew, but the restriction of the Catholic. Noble Lords say "No, no," and I give them full credit for that denial; and I beg of them to understand that I am not speaking of the objects and intentions of the Bill, far less of the objects and intentions of those who propose it. My Lords, it was only the other day that it was laid down by a noble and learned Lord, whom I do not now see in his place (Lord Brougham), I think very justly, and regret that I had not the pleasure of hearing him, so that in reality I can only say that the noble and learned Lord is reported to have laid it down, that the objects and character of a Bill are to be taken, not from any explanations given of it by those who propose it, or by anybody else, but from the enactments of the Bill itself. Applying, then, this test to this Bill, I think I can very shortly convince your Lordships that the principle of the measure is to emancipate the Jew, but to restrain the Catholic. My Lords, to carry out this view, I should begin by observing, that the Protestant of tender conscience who insists upon understanding his oath—I mean his present oath—not as interpreted, but in its most literal and apparent sense, and who refuses all expletives and all explanations, is, by this measure, relieved from his difficulty. And here, be it remarked, is another class to be relieved besides the Jews—the Quakers having long since been relieved by being permitted to make an affirmation instead of an oath; whilst the Jew is now, as I trust at least, about to be exempted from a form which offends him. But the Catholic, as far at least as the clauses of the Bill go, remains precisely where he was. He must either cease to exercise his deliberative functions on some of the most important points submitted to Parliament, or he must continue to do so at the risk of being taunted with a violation of his oath as long as the oath remains what it now is. In fact, the Dissenter, the Quaker, and the Jew, are, one and all, by this measure declared to be more trustworthy than the Catholic, inasmuch as they are freer men—for they have a clear, unrestricted right—they, by principle and by profession, are far more hostile to the Establishment than the Catholic—they have a clear, unrestricted right to deal with Church questions as best beseemeth them, without let, hindrance, or reproach. Whereas the Catholic, by some at least, is said to be restricted; at all events, is liable to be wrongfully reproached by men of heated judgments and strong prejudices, if he but venture to exercise the common privileges of Parliament, and to speak or vote upon Church questions. Why, this very measure may be brought up against us; for, by its opponents, it is asserted to be injurious to the Church—calculated, by unchristianising the State, to weaken and disturb the Protestant religion and Protestant Government of the country; so that just twenty years after our own emancipation, it may be imputed to us as a crime to assist in the emancipation of others. My Lords, it is not in a spirit of hostility to the Establishment that I complain of the shortcomings of this Bill; but in defence of the common freedom of Parliament. That we may be free—that Catholics may be free—to use their own discretion as to what is best for the Church and best for the State—the same as others, even as the Jew. My Lords, I feel so strongly upon this point, that if the Bill go into Committee, which I sincerely hope it will, it is my intention to move that its benefits may be extended to the Catholics, so that there be no longer any invidious distinctions, but one law and one oath for all. Should I have the honour of proposing this Amendment to your Lordships, it is not my intention to enter upon any argument on the meaning of the Catholic oath; for it is sufficient for my purpose, that that meaning is contested—that it is vague, indefinite, and uncertain—that it is a controverted point—that, independently of the difficulties in its application, independently of the difficulty of judging what questions have, and what have not, a tendency to weaken or disturb the Protestant religion and Protestant Government of the country; it is sufficient for my purpose that the Catholic oath is subject to two interpretations: one that it does, the other that it does not, restrict us; for my object is to obviate this anomaly, to prevent those who think that we are restricted, from continually throwing that restriction in our teeth, and thereby placing us in an invidious and dishonourable position. My Lords, the question is no longer where it was. Heretofore it was bad enough; but now we are not only really but deliberately placed beneath the Dissenter, the Quaker, and the Jew, and are thereby subjected to an indignity to which I think we ought not to submit. Were all who dissent from the religion of the State placed in the same category—were all restricted alike, however justly we might complain of it as a violation of the very first principles, of the very essentials, of a deliberative assembly—still the grievance would be far less galling. But to single us out by name as an exceptionable class—to fetter us with restrictions unknown to others, which all dispute and none can understand—is, I think, to treat us in a manner not only injurious to us, but unbecoming to the Legislature. If it be your Lordships' pleasure that this state of things shall remain—though I confidently trust that such will not be your decision—I, for one (for I can only answer for myself), shall feel it incumbent on me to refuse to sit on terms so derogatory to the dignity, and so incompatible with the free and independent action, of a Member of a legislative body; for by passing the Bill as it now is, I should conceive the meaning of the Catholic oath to be for ever fixed in a restrictive sense; in which case, taking all the accessories into consideration, calculating all the circumstances under which that decision was come to, I should deem the conditions on which we were admitted to the exercise of our deliberative functions far too unequal and too humiliating to be accepted. I shall, therefore, entreat your Lordships to place us in the same position as others—to be content with one oath for Protestant and Catholic, Dissenter, Quaker, and Jew—trusting in us as you trust in others, that we should act honourably and usefully towards all the great interests of the empire.

The Earl of WINCHILSEA said, that he must trouble the House with a few brief observations, as he could not give a silent vote on a measure which he believed to be pregnant with danger to the best interests of the country. He must object in the outset to the infidel and unchristian character of the measure. Parliament was now called upon to unchristianise the character of the Legislature of this country—to offer the grossest insult that ever was offered by a Christian people to the Almighty, by removing from their Statute-book the recognition of that religion which He came down from heaven in person to give us. The most rev. Prelate who had addressed the House in favour of the measure, said, that he did not regard it as one affecting the character of the national Legislature; but what, he would ask, was the crime which this very people for whom they were now called upon to legislate, had committed, and which brought down upon them as a nation the severe judgment of God—which made them stand to this very moment a monument of his wrath, and a warning to all nations, showing that no nation could despise his sovereign word and reject his faith without subjecting themselves to the punishment which this people were now undergoing? We were now called upon, in the face of the world, to renounce our Christian character, for the purpose of admitting to our Legislature those who denied our Saviour—who rejected the faith on which all our laws, our constitution, and our Government, had been founded. If this was not judicial blindness, he did not know where it was to be found. It would seem as if the Almighty had turned our national wisdom into folly, and left us in a state of national blindness. Towards all the Jewish people—God was his witness—he entertained no ill feeling. They were once a favoured people; but blindness and punishment had fallen upon them when they rejected the Saviour whom we worshipped and adored. He hoped and prayed that God would remove their blindness from their eyes, and in his own good time lead them to adopt the true faith of Christ. Amongst all the storms which had convulsed the world, with the exception of two other Protestant countries, Holland and Sweden, England alone had remained unaffected by those storms. Was this owing to our own righteousness and worth? It was his firm conviction that our trial now was, whether we should stand firm to that faith which had hitherto been our safeguard, and show to the other deluded nations of Europe that there could be no permanent peace or happiness unless the God of our salvation was the God upon whom we rested all our confidence for every thing which we, as Christians, enjoyed. Every individual now in the House would have to give an account at the great day of judgment; and he trusted that no body of Christians would be so blind and infatuated as to cast off the Rock of their salvation. Pestilence had lately afflicted this country—the destroying angel might now have stayed his hand; but that hand might, at this moment, be raised to do God's justice. Those in high stations must not expect to escape, for they must remember that from those to whom much was given, much would be required. One of the most dreadful famines ever recorded in history had visited us, and perhaps at this moment hundreds of our fellow-creatures were perishing from actual starvation. These considerations ought to make their Lordships pause before they consented to pass a measure which would unchristianise the country. But it had been said by the most rev. Prelate that this was not a religious question; and the noble Earl (the Earl of Carlisle) said, that there was no principle of our religion which militated against this measure. Many passages at once occurred to his (the Earl of Winchilsea's) mind, which showed to him that this was a religious question, and that it involved a great religious principle. The Almighty had emphatically said, "That people who honoured him he would honour, and that people who lightly esteemed him, by him would be lightly esteemed." He would ask the most rev. Prelate who supported the measure, how could a nation honour God, more than by upholding the religion of the Son of God? "He that abideth in the doctrine of Christ, he hath both the Father and the Son. If there come any unto you, and bring not this doctrine, receive him not into your house, neither bid him God speed. For he that biddeth him God speed is a partaker of his evil deeds." Let them beware lest, after they had eaten and were full, and had built goodly houses, and their silver and gold were multiplied, they should become lifted up in their hearts and forget the Lord; for if they did, the Lord had testified that he would bring on those who so forgot him the destruction which he had already brought upon the very people for whom they were now called upon to legislate. He trusted that they would all consider the awful responsibility under which they were acting, and that they would refuse to sanction this measure.

The Duke of ARGYLL said, they all knew the strength and fervency of the opinions which were entertained by the noble Earl who had just sat down, for whom no one entertained a more sincere respect than he did. He hoped he might respectfully request the noble Earl to extend to others the respect to which he was himself so much entitled. He had heard him with great regret declare that the measure, supported by a large portion of their Lordships' House, and supported in a speech of great ability by a reverend Father of the Christian Church, was founded on and recommended by a spirit of infidelity. These were strong terms. He could not help observing that the noble Earl also referred to the last five-and-twenty years, during which infidelity, he said, had spread more widely. But whatever might be said of the measure before them, he said he should deeply deplore the advent of the time which should bring forth a measure that would affect the Christian character of Parliament; and he should regret if such a measure, being introduced, could be discussed without considerable excitement of feeling. He must respect also the jealous enthusiasm of those who, desirous of extending the blessings of the Gospel to the heathen and the Jew, were for sweeping away from the Statute-book every vestige of civil disabilities on account of religious opinion. For the scruples entertained on the other side of the House, he felt equal respect, for he had himself experienced them; but he would take leave to say that in these discussions the feelings were apt to take a more prominent part than the understanding. He could not, however, assent to the position taken up by the most rev. Prelate (the Archbishop of Dublin), when he said that religious opinions might never justly form a ground for political disabilities. He felt if there was any one right more necessary than another to society, that right was, that every society should have the power of defining the conditions on which they would admit individuals to the exercise of the highest powers; and if it were admitted in any society, that under certain circumstances an individual might be excluded on the ground of any dogma, he felt that they ought not to exclude any one for dogmas, the power of which might confessedly bind the strongest mind and pervert the clearest judgment. But whatever they might think as to political disabilities, he was of opinion that the great preponderance of argument was in favour of the measure now before them. He drew a distinction between natural rights, which no Government could interfere with, and political privileges; he drew a broad distinction between bodily penalties and political disabilities. His meaning was illustrated by the case of the young man mentioned by the noble Lord the other evening, who, on being called on to take the oath administered to witnesses, refused on conscientious grounds, and was, in consequence, sent to prison—that was persecution. The only circumstance which distinguished between that case and the case of the nonjuror before them was, that the one had no powerful representative, and the other was the representative of the greatest city in the world, and the colleague of the Prime Minister. The question before them was not whether religious opinions ought to be the ground of political disabilities, but whether, under certain circumstances existing in this country, those disabilities were justified or not. It was said they were a Christian people, and ours a Christian Parliament. He asked whether they were not sure that those words were used somewhat loosely? Were they a Christian people? Were all the people of this country Christians even in name? Were the Members of both Houses Christians in any very practical sense of the word? Could their Christianity be secured by any words that could be imposed? The lax way in which the word was used might be gathered from an anecdote related by a right rev. Prelate respecting the proposal in the British Association to adopt the phrase "Christian charity," where one of the parties was a Jew; the word was employed in that vague and general sense, the grace of benevolence and the love of mercy not being really confined to Christians. The Legislature might inherit the piety, the grace, and the faith of another Wilberforce; but they might also inherit the scepticism of another Bolingbroke. If they had admitted, with one exception, every system of religious faith, and every school of philosophical opinion, including some which were essentially non-Christian, such as the Unitarian, it was unjust to the only party who was still excluded that such exclusion should be continued. He therefore supported the Bill, though not without reluctance. But they could not support the Christianity of Parliament by exacting such oaths as these. No; the Christian character of Parliament must be the reflection of the character of a Christian people. They must work lower down; they must educate the people, and take care that among them Christianity was inculcated. The more they pursued that path the more success would attend their efforts; but he could not see how persistence in the present path could secure the object which was so dear to their hearts.

EARL NELSON opposed the Bill upon principle. He maintained that the words "on the true faith of a Christian," were not introduced into the oath for the express purpose of excluding the Jew; yet the tacit admission of those words proved that at the time the case of the Jew was not contemplated as one which would come before Parliament. The difference between the case of the Jews and the case of other Dissenters was, that by their religion they were in every way opposed to the Christian religion. It was not their exclusion, but their religion, which made them a nation within a nation. The Jews were essentially an antichristian people; and while they were not excluded from municipal rights—were not disfranchised—might hold the offices of sheriffs, aldermen, and magistrates; we were unfairly accused of wishing to persecute them when we considered it right to exclude them from Parliament, as there was a vast distinction between making the laws and administering them. If it was supposed by the noble Lord opposite, as he understood, that the principle of relaxation which this measure involved could stop here, he (Earl Nelson) thought he must be mistaken, as the greatest advocates of the question had been obliged to allow that their arguments for the admission of the Jew drove them to admit infidels? There was a remarkable fact connected with that admission of Jews which took place, as the House might recollect, some years ago, into the representative assemblies of Germany. It was openly avowed that that admission had been conceded, not so much out of especial consideration for the Jews themselves, as out of the difficulty of excluding any denomination of infidels from these assemblies. The state of public feeling at that time among the various political parties which, in regard to the Christian character of its legislative bodies, existed in that country, was by no means, therefore, to be lost sight of in referring to the case of these German assemblies. But let him be allowed to demand, on this part of the case, whether, if the British Parliament should choose to sanction the admission of Jews into their chambers, they could hope to keep out individuals appertaining to any class of infidels? The argument drawn from the act of one constituency, could not be admitted: if they had elected a minor, a lunatic, or an alien, the principle would have been the same. He repelled the arguments founded on the small number of the Jews, and the presumed effect which their admission would have in removing the veil of false Christianity from the Legislature; and in the language which had been used by Archdeacon Hare, he would ask if it was seemly to sweep away the existing law on the subject without any call of principle, any pressure of necessity, or any motive of expediency, but rather in violation of the principles of the constitution, and in a wanton spirit of legislation? Now, the constant and long-continued rejection of Jews had always been a distinctive feature of the Christian Legislature of Britain. The real ground of the support which certain parties were found to give to the principle of this Bill, was the conviction they felt that, if passed, it would accelerate inevitably that final separation between Church and State which they so ardently desired to see effected. Such he believed to be the real spirit in which this measure had been advocated elsewhere. And though, doubtless, after the change which late measures had caused in the relation between Church and State, they could not long remain so intimately connected as they had been; it was our manifest duty to prevent a separation, and by each giving in a little, to prepare against so sudden a disagreement as under present circumstances the passing of this Bill might occasion. But he trusted that House would always manifest enough of wisdom and firmness to resist any attempt rashly and precipitately to bring about the permanent severance of Church and State. Such a severance, so effected, would be the immediate precursor of the extinction of all Christian character in the Legislature of this country, and the substitution of an infidel character in its stead. But he thanked God that there was little likelihood of the great bulk of the English people ever consenting on any ground of mere temporary expediency to this abandonment of its Christian distinction on the part of their Legislature. The noble Earl again declared his intention, on these and other grounds, to oppose the further progress of the Bill.

The EARL of WICKLOW considered that the argument on that part of this Bill which related to the oaths to be taken, had been so fully gone into by the preceding speakers, that if he could view the subject in the same light with the noble Earl who had moved as an Amendment that the Bill should be read a second time that day three months, he (the Earl of Wicklow) should have abstained from offering a single word on the present occasion. He should, in that case, have left the case to rest upon the speech—one of the most eloquent and the most able he had ever heard—of that other noble Earl by whom the Bill had this evening been brought forward forward for their Lordships' sanction. Among all the arguments which had been propounded on this occasion, he had as yet heard nothing to alter the impression which the speech of his noble Friend had produced upon his mind. But it was not as a Jewish Disabilities Bill alone that this Bill was to be regarded by their Lordships.

The very title of that Bill—a Bill to alter certain Parliamentary oaths—and its preamble—sufficiently established this fact; and there was but one clause in the whole Bill which related specially to the case of Jewish subjects. The principle that excluded one class of Her Majesty's subjects from a privilege which was now conceded to every other class, was one, undoubtedly, that it was of the highest moment for their Lordships to consider; but he was anxious that the other—and, in effect, the pervading — principle of this measure should also be carried out into full effect. Now, it would be perfectly competent to noble Lords to give to the Bill, involving, as it did, this other important principle, a second reading; and yet to reject, should they be so minded, this fifth clause, which alone regarded the admission of the Jews to seats in Parliament. For his own part, he had long been anxious to give his support to a Bill that should go, as this did, to the revision of these Parliamentary oaths. If noble Lords would permit him to call their attention for a moment to the nature of the oaths to be taken in order to qualify for admission, not into the other House of Parliament, but into this—he would ask them whether it was either fair or just to require Peers to take certain oaths, in terms to which they could not conscientiously subscribe. It was, indeed, competent for individuals on taking their seats in that House to take these oaths in the particular sense they attached to the terms in which those oaths were conceived. But there were among noble Peers some who had been born such, but who, on conscientious scruples as to their own construction of those terms, objected to take such oaths. It might be very easy for some men to justify to themselves the taking of such oaths, not in reference to the very words as they appeared on the face of them, but to the real or assumed construction put upon them by those who had devised them, or to their actual intentions at the time of framing them. It was true that these oaths had force, and reason, and significance, at the period of their being originally framed; but had they any such now? It had been contended, indeed, that in all the interval since they had had no application, for that the Pope had had no tempoal jurisdiction in this country. But was that true? Why, so far from it, ever since the visit of George IV., when that Sovereign received the Roman Catholic prelates at his levee, those prelates had been recognised as such, in effect, by the Crown. That reception involved the admission that these prelates, who had been affirmed by the Pope, formed a part of the State in that recognised character. Again, by the enactments of the Church Trusts Bill, Roman Catholic prelates were recognised as such in the capacity of such trustees. It was, therefore, evident that the fact of this recognition of the prelates in question must be conceded. It had always been matter of surprise to him (the Earl of Wicklow) that the oaths with which the Bill now before their Lordships proposed to deal, should have been allowed to remain so long unaltered; and he therefore hailed with great satisfaction the appearance of this measure. He now begged seriously to put it to such of their Lordships as were opposed to the admission of Jews into Parliament, to allow this Bill, notwithstanding, to go to a second reading, seeing that, as he had remarked already, one clause only—and that but incidentally, regarded the matter of such admission; whereas the preamble, principle, and general text of the Bill, went to repeal those oaths, in his own objections to which he was persuaded that a large majority of noble Lords would be found to concur. So much, then, for the grounds on which he was prepared to give his support to this measure. But, with the noble Earl below him, he must object to the mode and terms in which the oath it contained had been framed. He agreed with his noble Friend (the Earl of Shrewsbury) that it was a most invidious form of oath as regarded Peers who were members of the Roman Catholic Church. There was nothing in the spirit, whatever was the proposed form of oath, which should be more binding to qualify a Roman Catholic than a Protestant, or any other denomination of Christian; and, therefore, it was unreasonable and invidious to require him to take it. He could imagine, however, that the feeling in which Her Majesty's Ministers had introduced it, was to obviate a possible danger that they had foreseen of the Bill's not passing without such a form of oath in the Lower House. In Committee, the point might be fully discussed, and in the meanwhile he prayed the House to give the Bill a second reading.

The EARL of DESART thought there was some inconsistency in asking their Lordships to do away with the oath of supremacy after having last year asked them to adopt the Amendment proposed by a noble and gallant Duke (the Duke of Wellington) on the Diplomatic Relations with Rome Bill, respecting the title by which the Pope should be named in the Bill. That proviso was accepted by their Lordships and by the other House, and it now appeared to him a great inconsistency virtually to expunge that Amendment. He trusted their Lordships, uninfluenced by any quibble as to the possibility of rejecting the fifth clause in Committee, would bear in mind that the principle they had really to consider was, whether it was right and proper to admit members of the Jewish persuasion to Parliament; though as an Irishman he was doubly unwilling to offend those to whom he felt deeply indebted for their philanthropy to his distressed and suffering country, and nothing, he trusted, would fall from his lips to move their feelings. He regarded them as fellow-citizens and fellow-subjects, but could not acknowledge their claim to be admitted as fellow-legislators. What were the qualifications for admission into the House of Commons? If admission were denied to a man who had not a certain income, how much more should they deny it to one who had no permanent interest in the country? It had been asserted, that for the first thirteen years of William and Mary's reign, there was no law which excluded the Jews from Parliament; and that, therefore, they might have had seats there. The fact was, however, that at that period the Jews were not naturalised, and were not, therefore, qualified to sit. But, supposing they had been qualified, he would ask what would have been thought if a Jew had then attempted to get a seat in Parliament? The feelings of the country on this subject might be collected from the fact that the Bill for naturalising the Jews was repealed in the same year it was enacted. He confessed he could not see how their Lordships could possibly admit such an anomaly as that of allowing Jews to sit side by side with Christian prelates in the government of a Christian Church. He could only attribute the introduction of such a Bill to the reckless love of change which was so prominent a characteristic of modern legislation. He called upon the House, therefore, sincerely and earnestly to repeat their decision of last year.

The BISHOP of OXFORD said, that having so recently addressed their Lordships upon a measure strictly analogous to the present, he had no idea of again troubling them with any observations; but having been personally alluded to by the noble Duke, and the noble Earl who addressed their Lordships the last save one having rested his vote upon what he called the unanswered and the unanswerable arguments of the noble Earl who moved the Bill, he felt he could not resist saying a few words in answer to the speech of the noble Earl. He acknowledged the speech of the noble Earl, with all its Christian earnestness and Christian kindness, had won upon him; but when he came to reflect on the arguments of the noble Earl, he felt that his reasoning was not so convincing as he had thought it when influence by the praiseworthy feelings with which the noble Earl had urged it. The first and weightiest argument which his noble Friend had used was, that inasmuch as they had already admitted persons a great deal more dangerous to the Church to social and political privileges, they were bound in consistency to go on, and admit the Jews to Parliament. But he would present in a single word the fundamental difference between the first and latter step—for it was a difference not in degree but in kind. It was said, that they allowed a Jew to sit on the judgment seat as a magistrate, and therefore they might give him a seat in Parliament; but if they believed the Jew honest in his own convictions, and that he knew the law as an intellectual acquirement, they might as well trust him as they could a Christian, to administer the law made by another. It was precisely the same thing as if they wanted anything weighed or measured: they might trust for the purpose any one who had honesty and who knew the weights; but if they wanted any one to make weights for them, then they wanted a person who would be guided by the general principles on which the weights ought to be made. That was the legislator's position; his duty was to make new laws, and that duty he must discharge according to the decision of his own mind as to what was best for the varied interests — religious, political, and civil — of the whole nation; and that decision would depend upon that whole set of principles, which were as much part of his religious as of his moral character. The thing, therefore, was different in kind. The Jew could administer the law; but he could not, if he believed in his own professions, make new laws for a Christian people. The noble Duke opposite (the

Duke of Cleveland) had said, that he had changed his opinions on this subject; and one of the reasons which he gave for that change of opinion was, that Judaism had altered its character; but the noble Lord forgot to give one single reason why he thought that Judaism at the present moment was one whit less diametrically opposite to Christianity than it was eighteen years ago; but the noble Lord also said that, at that time, many other sects were excluded, and he must therefore remind the noble Lord that many were now excluded. All the clergy of the Church of England were excluded from seats in the other House of Parliament, and the reason was, that that was a trust to be administered for the national good; not that any stigma was thereby intended to be affixed to the clergy of the Church of England; and if it was no stigma on them, why was it to be considered a stigma on the Jews? The reason was, that this was not an individual honour, it was not a decoration, it was not a star, but it was a trust to be executed for the good of the Church and the State. Another ground mentioned by the noble Duke for the change in his opinion was, that at that time there were rotten boroughs, and that the wealth of the Jews would have enabled them to secure a sufficient number of those rotten boroughs to form an important element in the House of Commons; and the noble Duke had said, as well as his noble Friend who moved the Bill, that if any danger to the constitution of the conntry could be anticipated, he would not be the man to consent that it should pass: the question therefore was raised whether there was any danger, and he was prepared to argue that there was danger, and great danger, on two grounds. The first was, that by the power of money Members might be returned to that House, who had no other hold upon their constituency except that which the money power gave. Hitherto, in every case in which they had extended the franchise, there had been some constituency to be represented, and most naturally to be represented by Members having connexion and sympathy with those constituents; but that was not the present case. There was no Jewish constituency to return a Jewish Member; then what were they about to do? They proposed to make it possible that a Christian constituency should return a Jewish Member: there could be no sympathy between them; and to what but the money power could the Jew owe his influence? The most rev. Prelate (the Archbishop of Dublin), who was remarkable for the acuteness and subtlety of his intellect, had said that he supported the measure because he wished to remove a stigma from Christianity; and his argument was, that because, at the time of the foundation of the Christian religion, its early disciples were taught not to overturn the Powers that be, therefore, when the world had become Christian, he denounced the attempt to govern it upon Christian principles; because, before the world was converted to Christianity, the Christians were taught not to overturn the Pagan institutions—therefore, when the State became Christian, they were not to administer it on Christian principles. The Christians in those days could not govern the world; but they could do something, they could govern themselves; and accordingly a Christian who went to one of the Pagan courts of justice for redress, was severely rebuked on that account. The noble Earl who moved the Bill had spoken of the fact that it was by recent legislation that the Jews were excluded; but that was an argument which the noble Earl's own honesty of mind would hardly allow him to enforce; because the noble Earl well knew that they were not excluded before, only because until recent times the Legislature had never contemplated that a Jew could gain an entrance into Parliament; for in those days their personal safety was hardly protected. They were not excluded by any legislative enactment, for the same reasons that in ancient times there was no law against parricide, simply because such a crime was not thought to be possible. First, then, he said that there was danger, because it was impossible to measure the number of constituencies upon whom the power of money might be brought to bear in order to secure an object which might be of great importance to the Jews; and at the present time he thought it was especially dangerous to increase the representation of wealth as separate from those other considerations which ought to qualify and control the money influence. They had of late years seen the great increase of that money power in the British Legislature, without a proportionate increase of those considerations; and therefore he thought that to pass this measure, which would give the directest representation of the most immediate money power in the country, was a real, practical, and great evil. But another and even greater danger resulting from this measure was this, that by admitting the Jews into Parliament, they would lose the opportunity of objecting to the public profession of their views. It was said that bad men could not be kept out of Parliament by an oath; and it was true, they never could deal with the hearts of men, and because they could not, they were not bound to take their standard from the hearts of men, but from their professions. Therefore, the only level which they could assume in that House was the professed level. Their Lordships remembered the time when there was a Pretender to the Throne; now at that time there might have been many Members of Parliament who secretly believed that the Pretender was the true sovereign of this realm, and then the argument might have been used, as it was on the present occasion, that their oaths were useless, that they could succeed in excluding all those who favoured the Pretender. But suppose that the friends of the Pretender had been admitted, could it have been taken for granted that such persons were traitors to the English Throne? Might they not have said, "When you admitted me, you knew the opinions which I held, and I am as free to introduce a Bill for the restoration of the Pretender as you are to introduce a Bill on any other subject?" If they applied that illustration to the Jews, it might be true that there were many people who had seats in Parliament, and who would not be prevented by any hearty religious feeling from adopting measures hostile to the Christian religion; but then they did not come in on the profession of unbelief, and the Legislature could impeach of treason to the Highest Sovereign any man who dared within its halls to raise any standard except that of the Cross, or to appeal to any law except that of Christ and his Apostles. But if they once admitted the Jews into the Legislature, no more after that could they object to the declaration of the Jewish faith in that Legislature, because they would then have conferred the right of legislating, not upon Christian but upon Jewish principles; they would have lowered the professed if not the actual level; and the moment they did that, they lowered the character and temper of the assembly. There was great danger in the present day of allowing principle to be lowered to practice, rather than of raising practice to the level of principle; and if that danger pressed upon them, if the increase of material wealth contributed towards it, surely the present was not the time for lowering the Christian character of the Legislature, by admitting those who rejected that which alone could raise the standard of judgment. He was not speaking with any unkindness towards the Jews; it was because he believed in the greatness of their intellectual power, and in the strength and firmness of their natural character, that he could not give to them the power of legislating for him on the principles on which they were bound to act. But it was said that there was no danger of any attack from the Jews on the Church of England. He did not like to put a great national question on any such issue. He believed, indeed, that there were many others more likely to take a course directly hostile to the Church; but the reason why the Jews would not do so was, because the misfortunes of their position was, that they had now no fixed dogmatic religious belief at all. For 1,800 years they had been expecting and panting for the arrival of the Messiah, and they were now hovering between a miserable uncertainty whether the expectation of the Messiah was not altogether mistaken, which was only another form of direct infidelity, and the alternative, on the other hand, of joining the Christian faith, which they had so long reviled. He did not hesitate to say, that he, for one, would prefer seeing an earnest-hearted Christian man, though he was a Dissenter, if actuated by a strong religious feeling, attack the Established Church, than he would see one who cared nothing about Christianity attacking the Church of this land because he cared nothing for any religion whatsoever. The noble Earl who commenced the debate had spoken of that tree which had been blasted by the lightning of Heaven—meaning the old religion of the Jews—and he called upon their Lordships not to cut it down. He (the Bishop of Oxford) was not proposing to cut down the sacred tree which the hand of Heaven had stayed. On the contrary, he believed that the way to cut down and destroy that ancient people was to teach them, not to blend themselves with Christians through their common affections, but to lose their nationality without becoming Christians in the mass. Why were we able to give those scattered people an asylum and a home? Why were we able to guarantee to them an immunity from persecution, and means almost unlimited of acquiring wealth and influence? Why were we able to insure to them in this country that they should rise up in safety and lie down in peace, and that they might transmit to their children their property, their honours, and their name? It was because Christianity had made England so strong that we were able to give shelter to the weak, and an asylum to the afflicted. If they broke down the deep foundations on which that asylum was established, and destroyed the groundwork of that Christianity in which the legislation of England found its strength, in order to gratify the ambitious desires of a handful of these men, they would lose the patrimony which their fathers had handed down to them, and at the same time destroy that Christian England which had hitherto been an asylum to the scattered Jews.

LORD BROUGHAM had hoped, on this occasion, to have been spared the necessity of addressing their Lordships; but some of the arguments advanced by the right rev. Prelate were, he would not say such as staggered his belief in the soundness of his opinion, or as impressed him with any sense of danger to the cause of which he was the humble advocate, but, nevertheless, were so novel and so extraordinary that he could not, consistently with his sense of duty, suffer their Lordships to go to the vote without offering some comment upon them. The right rev. Prelate had said, there was no inconsistency in refusing Jews admission into Parliament; for what had the Legislature done already? They had allowed them every thing except a seat in Parliament. They might mount the petty bench, and the great bench of justice; as sheriffs they might sit alone to decide important questions in trials at law; much of the police of the country was in their hands; they summoned both grand and petty juries, in whose hands were the lives, liberties, properties, and rights of the people. But all this, said the right rev. Prelate, was nothing compared with giving them legislative power. And for why? Because a judge had a rule by which he was guided! He must go by a certain standard — there was a line by which he must proceed; therefore he had no discretion. The Judges, said the right rev. Prelate, were the instruments and the tools of the law; and therefore, in the simplicity of his heart, he concluded that discretion and judicature had no connexion. Oh, that the right rev. Prelate would sit from time to time in the presence of a judge and jury! Oh, would that his right reverend Friend had sat with them in appeals to-day! Would that he could have tasted the ease of a bench of judicature! Would that he could then go for relief into a court of equity, and there he would find how little was a judge a mere instrument, how little a tool, how little a *lex loquens* in his judicial capacity. He would then find that it was of some importance to the rights, property, liberties, and lives of his fellow-subjects, that the sheriff should be a Jew who summoned juries, and that he should be a judge, and even be at the head of the law. But was that the whole amount of the argument? It was easy to take an oblique and one-sided view of an adversary's objection; but what if there was another side of the argument? Not only had the Legislature admitted the Jew to the judicial office of judge, and to the ministerial office of sheriff, but it had admitted him to the legislative office of elector. He chose Members of Parliament. Money, said the right rev. Prelate, had some avail among all men. Money, it was said, would bring Jews into Parliament. But might not money operate as well upon the electors as the elected? Doubtless a Jew might use his money among both. He remembered (he would not say how long ago) hearing a right rev. Prelate making a most able and vehement attack, in connexion with this Bill, upon a certain election, which attack was grounded mainly upon the supposed employment of Jew money, not at a Jew election; but it derived its zest from its being Israelitish money employed on behalf of a Christian candidate. He need not analyse this argument, otherwise it could be easily proved that the laws of this country were not only influenced by the votes of the two Houses of Parliament, but by every person having influence in the country—above all, by persons holding official situations, more especially by the electors themselves, who returned the representatives to Parliament. Now, whether a man were a Jew, a Christian, a Turk, a Mahometan, an infidel, or an atheist, he might vote for the return of a Member of Parliament; nay, he might even sit in Parliament, provided he were dishonest, and had no conscientious scruples against using the words, "on the true faith of a Christian," which many might safely do, because, to their minds, those words could have no meaning. The right rev. Prelate had lavished his praises upon the Jews, upon their conscientious and honest feeling, though the right rev. Prelate gave rather an odd history of their religious faith. According to the right rev. Prelate, their religious state was the most uncomfortable and ungracious that could be possibly imagined. They talked of advanced sectarians, meaning persons of certain sects; but here was an advanced Jew, who the more he was advanced the further was he from anything that could be called, by an hyperbole of speech, an approach to religion, or to anything like a religious dogma. But the right rev. Prelate gave them credit for great intellectual capacity; and then he spoke of the danger of their bringing a Bill into Parliament to abolish Christianity in the United Kingdom of Great Britain and Ireland the moment two or three of them got into Parliament. Upon his word a more chimerical alarm, a more vain panic, a more groundless apprehension, he never heard described, than that some four or five Jews, if they were admitted into Parliament, would do that against Christianity at large, which some fifty or sixty sectaries in both Houses of Parliament had never even attempted to do against a single Church of Christians. Then, said the right rev. Prelate, he would infinitely rather see men introduced into Parliament who were determined to subvert the Church, who did so honestly and conscientiously, than he would see men introduced who were against all religion. But a Jew could not attack religion without attacking the Church. Well, what had they done? They had admitted Dissenters and Roman Catholics—both enemies of the Established Church. What security had they taken against the Catholics? It was the oath which he then held in his hand. Why not take the same security from the Jew? To that he had no objection. It was said that this was a Christian constitution—but what made it so? What made theirs a Christian Government, a Christian Parliament, and a Christian people? It was not legislation that did it. He denied that the oath "on the true faith of a Christian" had anything to do with the profession of Christianity. It was intended to give solemnity to the abjuration of unsound political doctrines. The case resolved itself into nothing more nor less than a case of *quasi* persecution under the pretext of religion. It was taking advantage of an accidental phrase introduced into an oath for a totally different purpose, and that to exclude persons from Parliament whom the oath was never intended to exclude. These were the grounds relied upon by noble Lords on the other side, and by none more feebly, though not more conscientiously and zealously, than by himself, for he felt it to be a last vestige of intolerance. They might rest assured that there was no danger of this country ceasing to be a Christian country, or of the Parliament ceasing to be a Christian Parliament, in consequence of these men being admitted within the portals of the constitution. It was because 999 and more out of every 1,000 of the community were Christians, that the country was a Christian country, and not because they had a power of oppressing a handful of honest and worthy men. It was not by inflicting persecution upon these men, that they would improve their own title to the manner and character of Christians. It was perfectly certain that the Dissenters being admitted to Parliament had been attended with no danger to the Established Church. It was equally certain that the Roman Catholics being admitted to Parliament had not proved dangerous to Protestantism. But if there had been danger from numbers, wealth, activity, and zeal exalted to the pitch of bigotry, it surely would have been in the admission first of the Dissenters, and then of the Roman Catholics, to the full and entire privileges of British electors and British senators. And let him remind their Lordships that they were now standing, with respect to the Jews, in precisely the same position as on three other occasions, exposed to the just, and therefore formidable, clamours of the excluded, on the one hand, and of the excluding party on the other. They occupied the same narrow, slippery, and most untenable position which they had held after 1793 on the Catholic question, when it was said, "If you had chosen to be consistent—if you were conscientious in your former opposition—if you did not know that your fears as to danger to the Established Church were unfounded, why did you let in the Catholics in 1778 and 1793, first to office, then to judicial office, and, lastly, to the elective franchise? But having gone so far here, you cannot tarry. To be consistent with yourselves, you must go forward and work out your own principles." He hoped it would not be said, as he knew it had been falsely said elsewhere, "Oh, the case of the Roman Catholics was quite another case." But why was it so? They dared not say why. Was it because the

Roman Catholics were too numerous to be left out? Was it because it was inconvenient to leave out great numbers? Was it because they had been overwhelmed with reasons which brave men themselves will submit to; or was it not base fear—that which no man submitted to without afterwards shrinking from shame at the recollection of his conduct, and without feeling from his after-experience that he had done more harm than good? Nobody would dare say that was the case. They did it because it was just, because it was wise, because it was sound policy; but if they now excluded the Jews, because they dared to exclude and insult them easily, then he would say they cast backward a look and fixed a construction upon their past conduct, which would do the Jews less harm than it did themselves discredit.

The EARL of CARLISLE, in reply, said, it was for the House to act in accordance with the course which commended itself to their reason and their conscience. He had pointed out, in the outset, that the Bill contained other clauses than those which related to the Jews; and he did not think that on this account it was less entitled to their Lordships' favourable consideration, for it merely modified the oaths of supremacy, allegiance, and abjuration, in the case of those Members who were not Roman Catholics. Jews were already admitted to an office not less important in its influence—the magistracy; for it was well known that a Pilate on the bench might do greater harm than a Nicodemus in the council. The right rev. Prelate (the Bishop of Oxford) had gone at great length into the religious opinions of the Jews; but was he sure that the religious opinions of many Christians would bear as severe a scrutiny? A noble Lord behind him (the Earl of Shrewsbury) had alluded to the oath for Catholics as settled by the Act of 1829. He believed the disposition of the other House was not to disturb that oath; but he should be at all times ready to give his aid for placing all classes of Christians on the same footing in this respect. No one could desire more earnestly than himself to see the Legislature thoroughly and permanently Christian; but there were two ways in which that term might be understood. One way was to fence the Legislature with restrictions, such as were kept up against the Jews, though they could not be kept up practically against deists and atheists. This was the way of oaths and lip-securities. The other way was to attain to the highest attainable pitch of perfection in Christian feeling and Christian disposition. With respect to themselves, to aim at the most unsullied honesty of purpose, and the most spotless purity of action; with reference to others, to imitate as far as they could the diffusive and boundless benevolence of the Great Author of the Christian faith—that faith which could not be endangered or extinguished by their Lordships assenting to the present Bill. His noble and learned Friend who spoke last had rightly said that the admission of Catholics had not been attended by any danger to Protestantism, and the admission of Dissenters had not been attended with danger to the Established Church; so their Lordships might confidently assume that Christianity—that faith which was founded upon a rock that would never crumble—could not be endangered by the admission of two or three Jews to either House of Parliament.

On Question that "now" stand part of of the Motion,

House divided:—Contents 70; Not-Contents 95: Majority 25.

List of the CONTENTS.

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Argyll
Cleveland
Norfolk

MARQUESSES.
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Breadalbane
Clanricarde
Headfort
Lansdowne
Sligo
Westminster

EARLS.
Besborough
Bruce
Camperdown
Carlisle
Chichester
Cowper
Craven
Ducie
Fingal
Fortescue
Granville
Grey
Kenmare
Kingston
Minto
Morley
Scarborough
Sefton
Spencer
Strafford
Suffolk
Wicklow
Shrewsbury
St. Germans

Zetland

VISCOUNTS.
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Durham
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Manchester
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BARONS.
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Bateman
Beaumont
Byron
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Campbell
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Cremorne
De Mauley
Dinorben
Dunally
Eddisbury
Erskine
Foley
Glenelg
Hastings
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Howden
Leigh
Lyttelton
Manners
Milford
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Saye and Sele
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Wrottesley
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Aylesford
Aberdeen
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Courtown
Darnley
Dartmouth
Desart
Egmont
Ellenborough
Eglinton
Effingham
Falmouth
Glengall
Galloway
Harewood
Haddington
Kinnoul
Longford
Lonsdale
Lucan
Mansfield
Malmesbury
Munster
Morton
Nelson
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Abinger
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Boston
Bolton
Braybrooke
Colchester
Clarina
Crewe
†De Lisle
De Ros
Delamere
Farnham
Feversham
Kenyon
Kilmaine
Lilford
Polwarth
Rayleigh
Redesdale
Rollo
†Sandys
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Southampton
Wynford

Paired off.

CONTENT.	NOT-CONTENT.
Lord Willoughby de Eresby	Earl of Sandwich
Lord Elphinstone	Duke of Beaufort
Lord de Freyne	Marquess of Ailesbury
Archbishop of York	Bishop of Lichfield
Lord Brougham	Earl of Jersey
Earl of Gosford	Earl of Erne
Marquess Conyngham	Lord Gray
Duke of Bedford	Lord St. John
Duke of Roxburgh	Marquess of Winchester
Marq. of Londonderry	Earl Somers
Lord Portman	Earl of Clare
Lord Wharncliffe	Earl of Harrowby
Lord Langdale	Lord Maynard
Lord Poltimore	Earl of Digby
Marquess of Ormonde	Lord Tenterden
Earl Fitzhardinge	Viscount Beresford
Duke of Grafton	Lord Walsingham
Lord Stafford	Duke of Cambridge
Marquess of Hertford	Earl of Orkney
Lord Keane	Bishop of London
Marquess of Donegal	Lord Templemore
Earl of Oxford	Earl of Chesterfield
Lord Belhaven	Earl of Lauderdale
Earl of Lovelace	†Lord Sandys
Viscount Hardinge	†Lord de Lisle

Proxies were not counted.

Resolved in the *negative*; and Bill to be read 2ª on this day three months.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, June 26, 1849.

MINUTES.] PUBLIC BILLS.—1° Australian Colonies Government (No. 2); County Rates, &c.

Reported.—Militia Ballots Suspension; Administration of Justice (Metropolitan Districts).

3° Soap Duty Allowances; Sites for Schools; Small Debt Courts (Scotland).

PETITIONS PRESENTED. By Colonel Ferguson, from Abbotshall, against the Marriages Bill.—By Sir W. Molesworth, from Wellington, New Zealand, for Representative Institutions.—By Mr. Evelyn Denison, from New Malton, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Baldock, from Shrewsbury, for the Bankrupt Law Consolidation Bill.—By Mr. Roundell Palmer, from Plymouth, for the Cruelty to Animals Bill.—By Mr. Beresford, from Great Saling, Essex, for Encouragement to Schools in Connexion with the Church Education Society for Ireland.—By Mr. John Stuart, from the Newark Union, for a Superannuation Fund for Poor Law Officers.—By Mr. J. Ellis, from Leicester, and by other hon. Members, from a Number of Places, for the Protection of Women Bill.—By Sir Henry Davie, from North Berwick, for the Public Health (Scotland) Bill.—By Mr. Grantley Berkeley, from Frocester, for the Suppression of the Slave Trade; and from Olveston, for the Formation, between the British Government and other Governments of the World respectively, of Treaties by which International Disputes may be decided by Arbitration.

POOR RELIEF (IRELAND) BILL.

House in Committee on the Poor Relief (Ireland) Bill; Mr. Bernal in the chair.

SIR J. B. WALSH rose to move the following Amendments, of which he had given notice:—

"Clause 1, lines 12 and 13, and subsequently throughout clauses 1 and 2, to substitute the words 'rating district' for 'electoral division.' Clause 2, lines 27, 30, 32, 33, and 40, to substitute the words 'electoral division' for 'union.'"

In the event of the Committee adopting the words "rating district" in the first clause in place of "electoral division," to move the following clause:—

"And be it enacted, that from and after the passing of this Act, it shall and may be lawful for the Poor Law Commissioners, and they are hereby required, to divide the electoral divisions of the several unions in Ireland into such and so many rating districts as to them shall seem fit; and when the said division of such electoral division shall have been duly made by the said commissioners, each such rating district shall constitute a separate rating district for the relief of the poor now resident within the same, and no pauper or destitute person shall be entitled to relief under this Act or any Act for administering relief to the destitute poor of Ireland, save and except from and on account of the rating district so to be formed as aforesaid, in respect to which his legal claim for relief arises; and such electoral division, so divided into rating districts as aforesaid, shall continue to be an electoral division, for all the purposes of election of guardians and of representation at the board of guardians of the union within which the same shall be situate. Provided always, that in forming such rating districts the commissioners shall, as far as circumstances will permit, have regard to the boundaries of the several properties within such electoral division, so as to form the property of each proprietor in such electoral division (or in such union, if they shall so think fit), into a separate rating district, if such property shall amount in rated value to the annual sum of 1,000*l.*; and if the rated value of any such property shall not amount to the said sum, it shall be lawful for the said commissioners to unite such and so many of the adjoining properties as to them shall seem fit, so as to form a separate rating district for the purposes of this Act. And provided also, that no rating district, to be formed under the authority of this Act, shall exceed in rated value the amount of 3,000*l.* per annum. And provided also, that nothing herein contained shall be construed to limit or prevent the said commissioners from forming any rating districts of any smaller extent than 1,000*l.* rated value per annum, if it shall seem expedient and necessary to them so to do."

He said that it was the pressure of the poor-law on small classes of owners in Ireland which rendered it necessary, in his opinion, to diminish the area of taxation. He had proposed a rated value of 3,000*l.* a year as the maximum area of taxation, and his object accorded with the view of the Boundary Commissioners, that the area of taxation should be as nearly as possible identical with the area of estates. There were some estates in Ireland in which, even amidst all the destitution which now prevailed generally, there was hardly any distress. The Isle of Arran formed an example of that state of things. The Boundary Commissioners supported his view, stating that in certain parts of Ireland in which the area was small, the poor-law system had worked well. What would be the practical advantage of adopting a smaller area of taxation? At the present moment all confidence was destroyed. The noble Lord at the head of the Government had proposed his maximum with a view of restoring it; but great holes were made in the plan in the discussion of the previous evening. The proposed limitation of area would be far more likely to restore confidence than the adoption of the maximum. The power of calculating the rates would enable persons to calculate the probable return from the employment of capital, and consequently the improvement of Ireland would be promoted. In the greater part of Ireland but two kinds of property existed—namely, that of the proprietor in the land, and the capital of the tenant employed in the cultivation of the land. Although the poor-law would ultimately destroy the property of the landlords, its first action was upon the property of the tenants. To stop the progress of the evil it was necessary to modify the law; and all practical experience as well as sound theory suggested that the best modification would be to diminish the areas of taxation, making them as far as practicable coextensive with the boundaries of estates, by which means each proprietor would be liable for the destitution on his own property. This object could be effected by substituting in the first and second clauses the words "rating districts" for those of "electoral divisions." Attention had been called lately by the hon. Member for Limerick to the necessity for emigration as a means of relieving Ireland. The only two modes by which the present state of things in Ireland could be improved was by the profitable employment of those who were occupied in cultivating the soil, and by the emigration of the surplus population; and those objects appeared to him to be only attainable by such a reduction of the area of taxation as would make it the individual interest of capitalists to embark their funds in promoting those interests. Again, by that system they would insulate the plague spots of the country, and know where to apply the remedy. He had always heard that the objection of the English people to contribute under present circumstances any larger sums towards Irish destitution was, that it would only prolong the present misery of that country; but if they could show the compassionate people of England that by their contributions the diseased parts of the Irish community could be placed in a healthy condition, they might ask with safety for assistance from the imperial resources when it was clearly established that the local resources were insufficient. It would, perhaps, be said that this was a landlord's question. It was his firm belief that the great fault in the whole of the policy of Parliament was founded on the fallacy that it was in their power to sacrifice the landed proprietors of Ireland without injuring other classes.

The results of that fatal policy were meeting them at every turn. When he was told that this was merely a landlord's question, he replied, that they could not injure proprietors without injuring the rest of the community, and that they could not benefit proprietors without benefiting all other classes of society collaterally. The argument as to the inability of one guardian to manage the business of three or four unions, would come strangely from the Government, when they sent vice-guardians to perform similar duties. It might be said that the adoption of a smaller area would cause a great increase in the number of evictions. So great was the number at present, that he did not believe that was possible. The right hon. Baronet the Member for Tamworth had on a former occasion expressed indignation against those landlords who exercised the power of eviction to so great an extent; but perhaps he had not adverted to the fact, that a great number of those lessors were in so humble a condition, and so ground down themselves by the misery of the country, that they were quite below the possibility of being affected by that expression. Under the law as it stood the occupier of a quarter of an acre could not obtain relief without first giving up his occupation. The actual operation of the present law was not only to promote but even to force evictions. The landlords in Ireland were to a great extent very poor lessors; and yet they were compelled to pay the whole of the rates under 4*l.* a year. That provision also had the same tendency as the one he had previously noticed. It showed utter ignorance of the circumstances of Ireland to suppose that Irish landlords could remove the present misery. He believed that his own proposal, instead of encouraging evictions, would produce the very opposite result. One of the best authorities on this subject, Mr. Blacker, pointed out before a Committee of the House of Lords, in 1847, that if they depended on cereal crops they must have a large amount of capital to cultivate them, otherwise the land would be reduced to the condition of a *caput mortuum.* It had been said that the evictions would ruin the towns, but he believed that the towns could not suffer more than they did at present. Moreover, it should be remembered that the towns were not rated higher than the rural districts, and that the prosperity of the towns depended in a great degree on the prosperity of the rural districts around them. He believed it was only by raising the standard of property in Ireland, prosperity and progress could spring up again in that country.

Lord J. RUSSELL thought, as the House had already assented to the principle of a maximum rate, that it was altogether out of place to endeavour to raise that question again. But with regard to the size of the area of taxation, he did not at all undervalue the importance of that subject. Yet, whatever might be the opinion of the Government with respect to the area, he did not believe the Committee would be inclined to adopt the hon. Baronet's proposal, because it would only benefit one class of landlords, without being of any advantage to another. The large landlord, with an estate yielding him 1,000*l.* a year, would receive every advantage and encouragement; but the small landowner, with only 100*l.* or 200*l.* a year, who would have no limit laid down for the amount of his liability, would have every disadvantage and discouragement inflicted upon him by the hon. Baronet's proposal. The hon. Baronet proposed, that in his rating districts, in no case should they exceed the valuation of 3,000*l.* a year; but in the two unions of the city of Dublin the valuation now was 900,000*l.* a year; and let them only conceive such a state of things as having these two unions divided into 300 different rating districts, which would be the result of the hon. Baronet's plan. The House having already affirmed the principle of a maximum rate, let them now confine themselves to the question as to whether the proposal of the Government, or any other proposal, was the one best adapted to carry that principle into effect; but he decidedly objected to go now into the question of the area of taxation, as the proper time for doing that would be on another occasion.

Mr. SIDNEY HERBERT thought it better at once to proceed with the clause before them; but still he trusted that an opportunity would be afforded them of discussing the area of taxation; for, after carefully examining the whole of the evidence, he had come to the deliberate conviction that, unless the areas underwent a greater reduction than was proposed by the Boundary Commissioners, he believed that before long they would have added immensely to the present number of bankrupt unions. But, with regard to what had just been advanced on the subject of the area of taxation, he hoped that that would not tend to prejudice the future discussion of that most important branch of the poor-law.

Lord J. RUSSEEL thought he had sufficiently guarded himself by saying that he did not wish to enter into the question of a larger or a smaller area now; and that he did not wish to prejudice its discussion on the proper occasion.

Mr. SHARMAN CRAWFORD agreed that the present was a most inconvenient time at which to bring forward this question; but he must repeat his opinion, that pauperism could not be restrained in Ireland except by such regulations as should enable those landed proprietors who employed the people to receive benefit therefrom in the reduction of taxation, and this reduction of taxation could only be effected by diminishing the area of taxation.

Sir J. B. WALSH consented to withdraw his proposition for the present, in deference to the general feeling of the House, and because he did not wish to prejudice the discussion of the question of the area of taxation hereafter. In his own private opinion, however, he must say he did not think this an improper time for considering that subject.

Amendment, by leave, withdrawn.

Mr. STAFFORD said, that the House having decided in favour of a maximum rate, the question now became—what shall the amount of the maximum be? He had, therefore, now to propose an Amendment, to the effect that the whole maximum of 7*s.* should be at once fixed on the electoral divisions, and that no union rate at all should be called in to aid the maximum rate on the electoral division. The difference between his proposal and that of the noble Lord at the head of the Government was, that while the noble Lord wished to impose a maximum of 7*s.* altogether, but 5*s.* of which was to be levied in the electoral division, and the remaining 2*s.* to be taken in aid from the union, he (Mr. Stafford) insisted upon having the 7*s.* maximum confined within the narrow limits of the electoral division, instead of being spread over the wider surface of the union. The noble Lord, for reasons best known to himself, had not thought proper to tell them where the deficiency was to be made up from, if his 7*s.* maximum was not enough; and, therefore, he (Mr. Stafford) considered, that, as there must be a supplementary fund found somewhere, when the 7*s.* proved inadequate, it would be wiser, the moment they passed the limits of the electoral division, to pass over at once to the imperial resources, rather than make an intermediate stop at the union. He should divide the House on the principle embodied in his Amendment.

Mr. GROGAN seconded the Amendment. He considered it most desirable to give the fullest possible encouragement to the farmer in Ireland; to afford him at all events some definite notion of what he had to pay in the shape of rates, so that having paid his 7*s.* he should know that the 13*s.* would be left to him for the conduct of his operations. If, after the 7*s.* were exhausted, more rates were needed, they must be sought elsewhere; most probably from the Consolidated Fund.

Lord J. RUSSELL said, that those who supported the Amendment of the hon. Gentleman the Member for Northamptonshire must certainly all put the same question just suggested by the hon. Seconder, where, after the 7*s.* were spent, any rating out of the electoral division must come. The hon. Gentleman pointed to the Consolidated Fund; now the supposition of the Government was, that taking the electoral division rate as proposed, and the union rate together, there would be no need at all of such additional resources. Take the example put on the preceding night by the hon. Member for Cavan, of a union having six electoral divisions, one of which is charged with a rate of 10*s.* in the pound. Each electoral division would then be charged, the first, its electoral rate proper, of 5*s.*, and its share of the surplus common to the whole union, making, perhaps, 6*s.* in the pound; and the other electoral divisions would have to pay, in the whole, 2*s.*, 3*s.*, 3*s.* 6*d.*, or 4*s.* in the pound, as the case might be; while the entire amount required would thus be provided. But no such source for meeting the deficiency was provided by the Amendment of the hon. Member for Northamptonshire. When the charge upon the electoral division would otherwise amount to 10*s.*, it would be reduced to 7*s.* by this Amendment, and that would be the whole amount to be raised out of local sources. There would then be no other resource but to come to the Consolidated Fund to supply the deficiency, so that this charge of coming to the Imperial Exchequer applied much more to the plan of the hon. Member than to that of the Government. He trusted that the amount required would not exceed 7*s.* in any electoral division in the union, and that the Consolidated Fund would not therefore have to meet any deficiency.

COLONEL DUNNE opposed the Amendment, because he considered the 5*s.* maximum on the electoral division quite high enough, and because he did not think it right that more than 25 per cent of a man's income should be liable to be taken from him in the shape of poor-rates.

MR. H. A. HERBERT said, when proprietors felt that, whatever their exertions might be in their own electoral division, they might be called upon to pay a 2*s.* rate for the union, they would have no encouragement to persevere in their exertions. If there must be a maximum rate, let it be upon the electoral division. English Members appeared disposed to follow the Government blindly in supporting this Bill. But let them consider that this Bill was, so to speak, the wedge of a principle that had been rejected by the House the other night, and which had been argued against by the hon. and learned Member for Hull in his able eulogy of the system of parochial rating in England, to which he attributed the principle of manly self-reliance and independence which characterised the people of England. He was confirmed in this view of the argument of the hon. and learned Member by a most able article in the *Times* of the following morning, which had been just handed to him, and in which it was stated, that it was an extraordinary thing that the Chief Poor Law Commissioner, who was himself the representative of a centralising power, should get up and advocate the system of parochial rating, which might be considered as the exactly contrary principle to that of centralisation. Upon the grounds stated by the hon. and learned Member for Hull, the House rejected the principle of a national rate. The hon. and learned Member proved that, from the time of Henry VIII., the system in England had been, that all charges for destitution should be parochial charges. Now, what did these Irish Members who advocated the principle of a small area of taxation ask the House to do? To adopt a principle which it was admitted had, in England, led to self-reliance and independence, and which, in Ireland, would have a tendency to produce the same results.

SIR G. GREY said, that the proposition of the hon. Gentleman the Member opposite, was to substitute 7*s.* for 5*s.* and to do away with the second clause of the Bill. The question raised by the article to which the hon. Member referred, and raised also by the speech of the noble Lord the Member for Aylesbury, was not a question between union rating and parochial rating, but between local and national rating. There were, and there must be, many cases in which the rate would reach 5*s.* or even 7*s.*; and his hon. Friend near him spoke as if he was unwilling too curiously to inquire into the manner in which the deficiency was to be made up. Now, he by no means thought that that was a subject which they ought to avoid investigating; on the contrary, he believed that they should at once look into it; and if they did he felt persuaded that they would not shut their eyes to the inexpediency of deriving the means of making good the deficiency from any other source than a local rate, circumscribed within the limits of the union; and that no deficiency of the kind ought to be made good from the Consolidated Fund. That, he might venture to say, was not a new proposition; on the contrary, it was one which had been developed and clearly maintained in some very able letters which the hon. Member for Northamptonshire addressed to the public papers from Ireland in the course of the last autumn, when he was most worthily employed in practically carrying out and administering the poor-law in that part of the country with which he was more immediately connected. It was quite true that in some cases the union rate in aid might reach the height of 2*s.*, but it was not at all likely that that would take place in every instance, and by no means probable that it would so happen in most cases. It had been clearly shown by the able speech of the hon. Baronet the Member for Cavan, that though the maximum union rate in aid might be fixed at 2*s.*, it did not therefore follow that it must always reach that point, for he had shown that in one electoral division, where the rate in aid was required, it still might be a rate not exceeding 1½*d.* To fix it, then, at 7*s.* would, he thought, be not only unnecessary, but injurious; he therefore hoped that the House would not sanction the principle of a union rate on the plan proposed from the other side of the House.

MR. STAFFORD wished to explain that when he recommended a rate in aid from the union, he went upon the assumption that there should first be an estate rating. But the Government did not now propose to reduce the area of taxation in that manner; and, therefore, when the right hon. Baronet wished to quote his (Mr. Stafford's) previous statements against him, he should have the fairness not to give only a partial and one-sided view of what he did state.

Mr. E. B. ROCHE said, that it had been understood on all sides that the question of the area of taxation should not be raised during the discussion on the Bill; but, notwithstanding, every hon. Member who had spoken had gone into that subject in all its details. The principle of making the union contribute when the electoral division funds were exhausted, was in itself a good one. Investment of capital in land was the only means of curing the evils of Ireland; by this means alone the industry of the country would be stimulated, and nowhere did such vast resources abound as in Ireland.

Major BLACKALL did not think it had been supported by argument that the 5*s*. and 2*s*. rates would induce parties to take land and cultivate it in Ireland. On the contrary, he believed the Government proposal would discourage the capitalist and the cultivator, because they held out a maximum of 5*s*. in the electoral division that was entirely fallacious, and would expose the cultivator to a 2*s*. rate beyond the 5*s*. for the support of the pauperism of another district. They must not look to the landlords for the employment of the people, but to the occupiers of the land; and the occupier must have a direct interest in the employment of the people before he would set them to work. And the only way to encourage the occupier was not by telling him he would have to pay a 2*s*. rate for another district after he had paid 5*s*. for his own, but by assuring him that he would secure to himself the benefit of any reduction of pauperism that he might effect by employing the labourers. But he objected to the House going into a permanent poor-law at the fag-end of the Session. They should at the most only make this measure temporary and coeval with the Rate in Aid Bill; and then next year they would have time to consider the recommendations of the Committee, and pass a matured and permanent measure.

Mr. SCULLY would support the maximum rate as proposed by the Government, because he believed that if a 5*s*. maximum were fixed upon for the electoral divisions, the guardians would generally be found anxious not to allow the rate to exceed 5*s*., so as to prevent a demand upon the union for the additional 2*s*.

Mr. POULETT SCROPE wished to call attention to one point, which was this. The average number of electoral divisions in the unions of Ireland was eighteen; and it was clear that until the whole eighteen had reached the 7*s*. maximum—which he did not believe would ever occur—no additional fund would be required under the plan of the noble Lord at the head of the Government. But if the Amendment of the hon. Member for Northamptonshire were agreed to, and the 7*s*. maximum were all imposed upon the electoral divisions exclusively, if that 7*s*. should be found insufficient, an auxiliary fund, wherever it was to come from, must at least be found somewhere.

Mr. CLEMENTS would support the Amendment, because he thought a 2*s*. rate on the union would defeat all the objects of a maximum, and would be the first step towards a national rating itself.

Mr. SIDNEY HERBERT would support the Amendment for placing the whole of the maximum upon the electoral division, rather than agree to divide it between the electoral division and the union. The principle on which the proposal of the Government was founded was, that each district was to be responsible for the poor of some other district—not that it should support its own poor, but the poor of its neighbour—not that the person who was responsible should pay, but the person who had no responsibility. That was a principle foreign to the sound English rule, that property should pay for the poor residing upon it; and if that principle would not answer for England even, it was far less applicable to the case of a country like Ireland, where responsibilities were felt but lightly, and required to be driven home to every man's door by every possible means. He found that, in 1817, Mr. Sturges Bourne recommended that the principle of a maximum rate should be adopted in England; but the Legislature refused to assent to his proposition, because they thought it impossible and absurd. A Parliamentary Committee, of which Mr. Sturges Bourne was a member, at that time stated in their report, that by the statute of Elizabeth the parishes of the hundred, and in some cases those of the county, might be rated in aid of particular parishes; but the great difficulty had occurred in carrying that plan into practice, that it offered no sufficient security against the mismanagement of the funds, and that the Committee were not disposed to recommend that any facilities should be afforded for executing these provisions in the law. He (Mr. Sidney Herbert) believed that the general feeling in England so fully coincided with the views expressed by that Committee, that a rate in aid, whether over the whole kingdom or over particular unions, would not be tolerated in this country. He thought that the hon. Member for Cavan had argued the question in a manner which might lead to great errors in legislation. The House should recollect, too, that it was dealing with a country new to the management of a poor-law, and where there existed the greatest possible amount of corruption; and nothing would be easier when the rate was at 4*s.* 6*d.* than to raise it to 5*s.* in the electoral division, so as for that additional 6*d.* to secure more than full repayment by getting hold of a large sum of the money of other districts. It had been urged that the amount that would be taken from the other districts to relieve their neighbours would not be large; but they ought to guard scrupulously against punishing those who were not responsible, by showing undue favour to those who had neglected their duties, and laying the burden upon those who had fulfilled theirs; and hon. Members who wished to be the guardians of the Consolidated Fund, should remember that if by this measure they produced a dead level of pauperism throughout the unions, and ultimately throughout Ireland, such a result would cause a more serious call upon the imperial exchequer than could be caused by any other line of policy which they could possibly adopt.

Mr. SHEIL said, he represented a borough crowded with pauperism, and in which there were 3,000 paupers who had been driven there from the agricultural districts; and he thought these agricultural districts ought to be made to pay for this surplus of pauperism. His objection to the plan of the hon. Member for Northamptonshire was this—that it would crush the towns of Ireland, for the purpose of exempting the agricultural districts or the country gentlemen from a contingent contribution as an auxiliary fund to relieve the miseries of the towns. The hon. Member for the county of Tipperary had a right to speak on that subject; for there were thirteen large towns in that county, and the rates were very high in these towns. Would they impose 10*s.* rather than 5*s.*, for instance, upon each of the towns alone, instead of making five electoral divisions in the county pay each a contribution of 1*s.* for the support of the pauperism which they poured in upon the towns? Nothing could be more unjust than to impose the whole burden on the towns, and exempt the country gentlemen from their just share of it. It was a case, in fact, of town against country. ["No, no!"] So, at least, it struck him, and he thought he had had as much acquaintance with country and town as most of the Gentlemen in that House. If he were to speak for hours on the subject, he did not think he could state the case more clearly than he had done; and it was quite manifest, as it appeared to him, that if the Amendment were adopted, the country gentlemen would be exempted from their contribution of 2*s.*, while the whole 7*s.* would be fixed upon the towns. That, as he conceived, must be its inevitable effect.

Mr. MONSELL said, if the right hon. Gentleman who had just spoken was more in the habit of visiting the borough of Dungarvon than he had been, he would probably be better acquainted with the causes of the increase of pauperism in that town. His object was the same as that right hon. Gentleman, however—his object was, to prevent those who were inhuman enough to eject their tenantry, from throwing the weight of their support upon the whole union. He was of opinion that if the electoral-division rate were to be raised to 7*s.*, on the whole the system would work much better than any other. But then he was met by Gentlemen from western unions, who said that it was utterly impossible that the districts which they represented could pay a rate of 7*s.* in the pound. He (Mr. Monsell) did not believe that they could pay 5*s.* in the pound, therefore that argument did not go for much; but he believed that the difficulty might be met by making the rate variable, and allowing the Poor Law Commissioners in certain cases to reduce the maximum rate. That, therefore, was the suggestion which he should venture to make to the noble Lord.

Mr. CALLAGHAN hailed the proposal of the Government as calculated greatly to advantage the country. Hitherto the small tenant-farmers had been rapidly falling into the condition of paupers. But this measure would give confidence to the landed proprietors and farmers, by telling them that there was a maximum rate, beyond which they should not be taxed. The Irish landlords were not all pattern landlords; but he must do his best to undeceive the English people in the belief that the great mass of the landlords of that country were of the despicable class that they were sometimes accused of being.

Mr. SHARMAN CRAWFORD supported the Amendment on the ground that he opposed all rates in aid, believing that they tended ultimately to the utter confiscation of property. This had been spoken of too much as a landlord's question. It was equally a tenant's question, and as such should be considered. Another objection he had to the measure was, that he looked upon it as a dangerous attempt permanently to fix a maximum rate. Instead of discussing such questions as these, the House should set itself about legislating on the great question of the relation between landlord and tenant.

Mr. HENLEY said, the real question on which the Committee was about to decide was, whether the blank should be filled up with 5*s*. or 7*s*.; but the question being in such a form, it placed those in a very difficult position who were opposed to a maximum rate altogether. He was of opinion that they had no right to fix a maximum rate; and he asked what were the plans to be adopted by the noble Lord to relieve the poor when he should have exhausted both his 5*s*. and his 2*s*.? He supposed there would then be what had been termed another "pull at the Exchequer." [Lord J. Russell dissented.] He was glad to see that the noble Lord shook his head; but he asked what then was to be done? for he was quite sure the noble Lord would not allow the people to starve. As between the question of 7*s*. and 5*s*., he should vote for the Amendment; but he did so on the principle of fixing the maximum at as high a rate as possible.

Sir A. B. BROOKE protested in the strongest manner possible against the injustice and the impolicy of a union rate, because it would paralyse the exertions, not only of the tenant-farmer, but also of the landlords who were struggling to give employment, and would give the greatest encouragement to absentee proprietors residing on the Continent to take the capital out of the country.

Question put, "That the blank be filled up with 'five shillings.'"

The Committee divided:—Ayes 125; Noes 48: Majority 77.

List of the Ayes.

Anson, hon. Col.
Armstrong, Sir A.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Birch, Sir T. B.
Blake, M. J.
Boyle, hon. Col.
Brotherton, J.
Brown, W.
Browne, R. B.
Burke, Sir T. J.
Butler, P. S.
Callaghan, D.
Carter, J. B.
Clay, J.
Clive, hon. R. H.
Coke, hon. E. K.
Cowper, hon. W. F.
Craig, W. G.
Dalrymple, Capt.
Davie, Sir H. R. F.
Duncan, Visct.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Dunne, Col.
Ebrington, Visct.
Ellis, J.
Fagan, W.
Foley, J. H. H.
Forster, M.
Fox, R. M.
Freestun, Col.
Glyn, G. C.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Heneage, E.
Henry, A.
Heywood, J.
Heyworth, L.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Keating, R.
Kershaw, J.
Kildare, Marq. of
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, G. C.
M'Gregor, J.
Meagher, T.
Maitland, T.
Matheson, A.
Matheson, Col.
Maule, rt. hon. F.
Miles, P. W. S.
Milner, W. M. E.
Mitchell, T. A.
Moore, G. H.
Morgan, H. K. G.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Muntz, G. F.
Norreys, Sir D. J.
O'Brien, J.
O'Brien, Sir L.
O'Connell, M.
O'Connell, M. J.
O'Flaherty, A.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Pakington, Sir J.
Parker, J.
Patten, J. W.
Philips, Sir G. R.
Pilkington, J.
Plowden, W. H. C.
Power, Dr.
Price, Sir R.
Pugh, D.
Rawdon, Col.
Reynolds, J.
Rich, H.
Roche, E. B.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
St. George, C.
Scrope, G. P.
Scully, F.
Seaham, Visct.
Shafto, R. D.
Sheil, rt. hon. R. L.
Smith, J. A.
Smith, J. B.
Somers, J. P.
Somerville, rt. hn. Sir W.
Stansfield, W. R. C.
Sullivan, M.
Talfourd, Serj.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Townshend, Capt.
Vane, Lord H.
Vivian, J. H.
Wall, C. B.
Walmsley, Sir J.
Watkins, Col. L.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wyvill, M.
Young, Sir J.

TELLERS.

Tufnell, H.
Bellew, R. M.

List of the NOES.

Adare, R. A. S.
Archdall, Capt. M.
Arkwright, G.
Barron, Sir H. W.
Bateson, T.
Blackall, S. W.
Brooke, Sir A. B.
Bunbury, W. M.
Caulfeild, J. M.
Chichester, Lord J. L.
Clements, hon. C. S.
Cole, hon. H. A.
Conolly, T.
Corbally, M. E.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Crawford, W. S.
Denison, J. E.
Dickson, S.
Farnham, E. B.
FitzPatrick, rt. hn. J. W.
Gladstone, rt. hon. W. E.
Gore, W. R. O.
Greenall, G.
Grogan, E.
Hamilton, G. A.
Hamilton, J. H.
Henley, J. W.
Herbert, rt. hon. S.
Hill, Lord E.
Johnstone, Sir J.
Jones, Capt.
Ker, R.
Macnaghten, Sir E.
M'Cullagh, W. T.
Magan, W. H.
Manners, Lord C. S.
Maxwell, hon. J. P.
Monsell, W.
Naas, Lord
Napier, J.
Nicholl, rt. hon. J.
Nugent, Sir P.
Smith, rt. hon. R. V.
Stanley, hon. E. H.
Taylor, T. E.
Verner, Sir W.
Vesey, hon. T.

TELLERS.

Stafford, A.
Herbert, H. A.

House resumed.

Committee report progress; to sit again on Thursday.

COLONIAL GOVERNMENT.

SIR WILLIAM MOLESWORTH:* Sir, before I ask the House to consider the Motion which I intend to make, I wish to present a petition which I received yesterday from Wellington, in New Zealand. It is signed by a large portion of the adult population of that settlement. The petitioners state that their reasonable expectations of obtaining representative institutions have been disappointed, that their Governor has established a form of government repugnant to their feelings, and inefficient for good government; and they pray that Parliament will not sanction any measure which will delay the introduction of representative government into the southern settlements of New Zealand. I heartily support the prayer of this petition: because I believe that the petitioners are in every way well qualified to enjoy representative institutions; and that with representative institutions, New Zealand would soon become one of the greatest and most flourishing colonies of the British empire. I now proceed to move that an humble address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to appoint a commission to inquire into the administration of Her Majesty's colonial possessions. I make this Motion because I share in the belief which now prevails, that our system of colonial government is in many respects faulty, and ill-suited to the present state of Great Britain and of the colonies. Therefore, I maintain that it requires revision; and for the purpose of revision I ask that a searching inquiry should be made into the colonial polity of the British empire. With the permission of the House, I will state, as briefly as I can, what, in my opinion, should be the nature of the inquiry, and to what subjects it should be directed. But, first, in order to satisfy the House that there ought to be an inquiry, I will endeavour to show what has produced the general conviction that there are grave errors and defects in our colonial polity.

What I mean by the term "colonial polity of Great Britain" is of recent date, not more than three quarters of a century old. For, when we began to colonise, the Government had little or nothing to do with it, and, strictly speaking, there was no polity. Our first colonies were planted by adventurers, who left this country for various reasons: some in search of the precious metals; others to escape from intolerance at home; and others to enjoy intolerance abroad. They settled on the shores of America with the nominal sanction of the Crown. Fortunately for them, civil conflicts in England, and the weakness of the Executive, left them for many years unmolested in full enjoyment of virtual independence. They flourished; their numbers increased rapidly; they became wealthy and powerful. Meanwhile, the Executive in this country gradually acquired strength; its attention was directed to the prosperity of the colonies; it attempted systematically to interfere in their government; the colonies resisted; some rebelled and became independent; the remainder submitted; and the present system of colonial government was founded upon the ruins of our old colonial empire. By far the greater portion of our modern colonial empire is of recent acquisition; all of it, with the exception of the plantations in the West Indies, and two or three old colonies in North America, has been acquired within the last ninety years, most of it within the last fifty years; for instance, the Canadas in 1759; Trinidad and other West Indian islands, Ceylon, and New South Wales, in the interval between 1763 and 1797; the rest of Australasia, New Zealand, the whole of South Africa, British Guiana, the Mauritius, Malta, the

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* From a printed report.

Ionian Islands, Heligoland, Hong-Kong, and Labuan, are not (as the noble Lord the Prime Minister once called them) precious inheritances from our noble ancestors, but have been added to the British dominions since the beginning of this century. These colonies have been acquired for various reasons. Some we conquered because we grudged the possession of them to rival Powers, and fancied that the might of a nation was in proportion to the extent of its territory; others we held as outposts, on the plea of protecting our own trade, and injuring the trade of other countries; and others we occupied as places of punishment for our criminals. Thus our colonial empire consisted chiefly of conquered provinces, garrison towns, and gaols. Their government was entrusted to a central authority in England. The invariable tendency of such an authority is to grasp as much power as possible, and to resist every measure which seems likely either directly or indirectly to diminish that power. In conformity with these tendencies, the colonial polity of Great Britain was framed ; and the Colonial Office laid claim to omnipotence and infallibility in all matters concerning the colonies. That claim was long recognised in this country, and scarcely disputed in the colonies. But of late years it has been contested not so much within as without the walls of this House ; and every colony has repeatedly and energetically protested against it ; and now the conviction is daily gaining ground throughout the empire, that our colonial system is not well suited either to the state of Great Britain or of the colonies.

The conviction that our colonial polity is faulty has acquired strength in this country in proportion as public opinion has been more and more directed to colonial questions, and of late years greater attention has been paid to those questions for various reasons. First, because within the last quarter of a century Great Britain has begun again to colonise, and on a much greater scale than ever before. For, during that period at least 2,000,000 of persons have migrated from this country ; half of them have gone directly to our independent colonies of the United States ; the other half to our dependent colonies, whence a large portion of them have re-emigrated to the United States. This great emigration, though chiefly directed to our independent colonies, has made the subjects of colonisation and colonial government matters of deep and increasing interest to a large portion of the community, especially to the humbler and middling classes : for there is scarcely one amongst them who has not some acquaintance, friend, or relation in one of the colonies, or about to emigrate ; and also many of the aristocracy and gentry have friends or kinsmen residing in the colonies as governors, or in other situations of trust and profit. In consequence of this great emigration, the relations between Great Britain and her dependencies have been profoundly changed ; and there ought to have been a corresponding change in her colonial polity, which was framed without reference to any emigration except that of convicts.

Secondly, public attention has been very much directed of late years to colonial questions by the writings of distinguished men, who have carefully investigated the economy of new societies, examined into the principles of colonial government, and attentively studied the subjects of colonisation and emigration, with the view of relieving the economical difficulties of the united kingdom, and of planting the uninhabited portions of the globe with communities worthy of the English name. Of these writers, Mr. Wakefield is the most eminent ; by his writings he produced a profound impression on the minds of some of the ablest men of our day, as for instance, John Mill, Grote, and others ; and there are few persons in this country, who have paid much attention to colonial questions, who will not readily acknowledge, even when they do not adopt all Mr. Wakefield's conclusions, that they are deeply indebted to that gentleman for a considerable portion of their most valuable knowledge of matters relating to the colonies.

Thirdly, public attention has been much directed of late years to colonial questions, in consequence of the discussions which have taken place with regard to free trade and the navigation laws, and which have led to a great change in our commercial polity. For most of the statesmen of this country have maintained that there is an intimate connexion between the colonial and commercial polities of Great Britain. They have generally defended the acquisition of new colonies, on the plea, that such foreign possessions afforded markets for the exclusive benefit of our manufacturers, and produced a trade for the exclusive profit of our merchants and shipowners; and they persuaded the nation that, in return for these privileges, it was worth our while to pay vast sums of money for protecting and governing the colonies. These privileges being abolished, the question seems very naturally to arise, why are we to continue to pay for them? The colonies are free to trade with whom they will, and in what manner they will. Therefore, they will only trade with us and employ our shipping, when it is most profitable to them to do so. Therefore, as far as trade is concerned, they are become virtually independent States. And this revolution in our commercial polity has directed public attention to the question, whether there ought not to be a corresponding change in our colonial polity?

Fourthly, the attention of Parliament and of the country has of late years been constantly occupied with colonial questions, in consequence of a series of remarkable events in the colonies, which have annually occasioned heavy demands to be made on the public purse. In the course of the last fifteen years, the colonies have directly cost Great Britain at least 60,000,000*l.* in the shape of military, naval, civil, and extraordinary expenditure, exclusive of the 20,000,000*l.* which were paid for the abolition of slavery. Therefore, the total direct cost of the colonies has been at least 80,000,000*l.* in the last fifteen years. Now, if hon. Members would merely take the trouble of recalling to their minds the chief events which were taking place in the colonies, whilst this money was expending, they must at once admit, that the result of the expenditure has been far from satisfactory, either to the united kingdom or to the colonies; and I think that they will likewise admit that there must be something essentially faulty in a polity which, at such an enormous cost, produces the results which I will briefly enumerate to the House.

In the first place, in our North American dependencies, within the last fifteen years, there has been a conflict of races, ending in civil war; two rebellions—one in Upper Canada, one in Lower Canada, suppressed at great cost to this country; various constitutions destroyed or suspended; two hostile provinces united by means of intrigue and corruption; and now, it is said, I hope most untruly, that the war of races is about to be renewed; if this should happen, and should lead to civil strife and rebellion, and if Great Britain should, unhappily, attempt to suppress it by force of arms, that attempt, if successful, will cost many millions more than the former rebellion; for the rebels will be, not the poor ignorant *habitans* of Canada, but the fierce and energetic Anglo-Saxon population.

Secondly, in the West Indies, within the last fifteen years, a proposal to lend fifteen millions, was converted into a gift of twenty millions, and followed by the universal ruin of the planters; in one colony (Jamaica) the constitution was proposed to be suspended; in another colony (British Guiana) the supplies were stopped; and now again in British Guiana, and also in Jamaica, the supplies are stopped; in Santa Lucia there are insurrectionary riots; and in all the other sugar plantations there is discontent bordering on despair.

Thirdly, in South Africa, within the last fifteen years, perpetual border feuds with rapacious and warlike savages, whom the Colonial Office, with characteristic ignorance, one time mistook for peaceful and harmless shepherds: with these savages two fierce wars, with lavish expenditure, enormous peculation, and no accountability; three rebellions of the Boers, ever striving in vain to escape from our hatred tyranny, and preferring to dwell amidst wild beasts and wilder men, to the detested dominion of the Colonial Office; and, finally, the acquisition of a huge, worthless, and costly empire, extending over nearly 300,000 square miles, chiefly rugged mountains, arid deserts, and barren plains, without water, without herbage, without navigable rivers, without harbours, in short, without everything except the elements of great and increasing expense to this country.

Fourthly, in Ceylon, abuse of patronage, official inaptitude, and excessive expenditure; ignorance on the part of the Colonial Office augmenting financial embarrassment, and leading to injudicious taxes; riots and martial law; military executions and punishments disgraceful to the British name.

Fifthly, in Australasia, communities, the offspring of convict emigration, more hideously vicious than any recorded in sacred or profane history; that convict emigration one day abolished, to the joy of the colonists of Tasmania, the next day renewed, to their horror and amazement.

Sixthly, in New Zealand, imbecile governors, discreditable functionaries, and unnecessary wars with the natives; unfortunately successful efforts to mar the fairest scheme of colonisation, and to disappoint the hopes of the choicest emigrants;

and, finally, a constitution proclaimed one day, and suspended the next.

Seventhly, on the north-west coast of America, Vancouver's Island—but I will not weary the House with more on this subject. I will only beg the House to observe, that all these events, and many more of a similar character, have occurred in the course of the last fifteen years. In that short period of time, Great Britain has paid directly, as I have already said, at least 80,000,000*l.* on account of the colonies; a sum of money quite sufficient to have conveyed 4,000,000 emigrants to Australia, or the whole of the Celtic population of Ireland to North America; yet, at the present moment, all our colonial dependencies do not contain more than 1,500,000 persons of British or Irish descent (there are as many persons, by birth British subjects, in the United States at the present moment); and our export trade of produce and manufactures to all our subject colonies (including Gibraltar), does not exceed 9,500,000*l.* a year, or about 1,500,000*l.* less than our export trade, in 1847, to our independent colonies of the United States, which cost us nothing. Therefore, comparing the result of our colonial system with the cost, it can scarcely be denied, that the result, with regard to trade and emigration, has been paltry and insignificant; and that the most manifest consequences of our colonial polity have been wars, rebellions, recurring distress, general discontent, and enormous expenditure. Therefore, judging of the tree by its fruits, it is not unfair to infer that there are grave errors and defects in the colonial polity of the British empire. To this conclusion all our colonial fellow-subjects have long ago arrived; and a large portion both of the thinking and practical men of this country, are in the act of arriving. Our colonial polity has few defenders out of this House; no defenders in it, except official ones; for, whenever the hon. Gentleman the Under Secretary of State for the Colonies rises, and, with matchless courage and dauntless determination, maintains that nothing can be more perfect than our colonial polity; that nothing can be more judicious than the conduct of the Colonial Secretary; and that nothing can be more praiseworthy than all the appointments made by his noble Friend—a solemn silence reigns around him, scarcely, if ever, interrupted by a faint cheer. For the House, reflecting on the history of the colonies since the year 1846, cannot fail to remember that many of the most important events to which I have just referred as indicating colonial mismanagement, have occurred since the present Secretary of State for the Colonies took office; for instance, the alleged renewal of the war of races in Canada; the stoppage of the supplies in British Guiana and Jamaica; the mismanagement of the Kafir war, with peculation, extravagant expenditure, and no accountability; the rebellion of the Boers, with the foolish extension of our empire in South Africa; the hasty transportation of convicts to the Cape of Good Hope; the strange ignorance of the financial condition of Ceylon, with its lamentable and disgraceful consequences; the abandonment and the renewal of transportation to Van Diemen's Land; the blunders about the constitution of New Zealand; and the transfer of Vancouver's Island to the Hudson's Bay Company—the honour of all these events belongs to the administration of the present Secretary of State for the Colonies. Therefore public opinion can make no exception in his behalf when it condemns the colonial polity of Great Britain, distrusts the department that conducts that polity, and puts no faith in its recognised organs in either House of Parliament. Whether right or wrong, this notorious state of public opinion is dangerous, and much to be regretted. It forms one of my chief arguments for the inquiry which I propose to the House.

I think the House ought to assent to my Motion, because, in fact, it is the legitimate sequel to various Motions with reference to the colonies, which during this Session have met with the favourable consideration of the House. I refer to the Motion of the hon. Gentleman the Member for Inverness-shire, with regard to British Guiana and Ceylon; to that of the hon. Gentleman the Member for North Staffordshire, with regard to convict emigration to the Cape of Good Hope; and to that of the noble Lord the Member for Falkirk, with regard to Vancouver's Island, which would have been carried but for a manœuvre. Each of these Motions implied censure of something which had been lately done in the colonies; each of them met with the general approbation of the House; and each of them raised colonial questions of great importance, well worthy of further consideration and serious inquiry. In addition to these Motions, which were virtually carried, two other Motions condemnatory of our colonial polity have this Session received the support of considerable minorities; I mean the Motion of the hon. Gentleman the Member for Berwickshire, for a Committee of Inquiry into our colonial system; and the Motion of the hon. Gentleman the Member for Sheffield, for leave to bring in a Bill to amend that system; and also notices have been given of two other Motions impugning portions of our colonial system—one by the hon. Gentleman the Member for Montrose, the other by the right hon. Gentleman the Member for the University of Oxford. These events indicate the state of public opinion with regard to our colonial polity; and that state of opinion existing in this House, throughout the country, and throughout the colonies, together with the events which have lately occurred in the colonies, appear to me to constitute good Parliamentary grounds for the inquiry which I propose to the consideration of the House.

I will now state what, in my opinion, should be the chief subjects of inquiry. They may be arranged under the three heads of Colonial Government, Colonial Expenditure, and Emigration or Colonisation.

First: An inquiry should be made into our system of colonial government, with the view of removing the main causes of colonial complaint. Now, the one great cause of colonial complaint is irresponsible government from a distance. The faults inherent in our government of the colonies have been forcibly described in words which I will read to the House, and to which I am sure hon. Gentlemen will listen with attention, in memory of a late distinguished Member of this House. That system

—"has all the faults of an essentially arbitrary government, in the hands of persons who have little personal interest in the welfare of those over whom they rule; who reside at a distance from them; who never have ocular experience of their condition; who are obliged to trust to secondhand and one-sided information; and who are exposed to the operation of all those sinister influences which prevail wherever publicity and freedom are not established."

The power of these persons

—"is exercised in the faulty manner in which arbitrary, secret, and irresponsible power must be exercised over distant communities. It is exercised with great ignorance of the real condition and feelings of the people subjected to it; it is exercised with that presumption, and, at the same time, in the spirit of mere routine, which are the inherent vices of bureaucratic rule; it is exercised in a mischievous subordination to intrigues and cliques at home, and intrigues and cliques in the colonies. And its results are, a system of constant procrastination and vacillation, which occasions heartbreaking injustice to the individuals, and continual disorder in the communities, subjected to it. These are the results of the present system of colonial government, and must be the results of every system which subjects the internal affairs of a people to the will of a distant authority not responsible to anybody."

These were the words of my late friend, Mr. Charles Buller. They expressed his deliberate and unchanged convictions, and are deserving of the utmost respect; for no one had more carefully or more profoundly studied colonial questions, no one had brought greater talents to bear on those questions, no one was more anxious for the well-being of the colonies, no one was better qualified as a statesman to govern the colonies; and those who knew him well, and loved him, did fondly hope that the time would arrive when he would be placed in a position to be a benefactor to the colonies, and to make a thorough reform of the colonial system of the British empire. But, alas! Providence has willed it otherwise.

Our colonial system is essentially the same as it was when Mr. Charles Buller wrote the words which I have just read. In reply to this assertion, the hon. Gentleman the Under Secretary of State for the Colonies will in all probability boast again, as he has boasted before, that of our forty-three colonies, twenty-seven have had representative institutions conceded to them. But the hon. Gentleman must acknowledge that, of these twenty-seven colonies, eight have only had the promise of representative institutions; and that the remaining nineteen had representative institutions long ago, when the noble Lord the Secretary of State for the Colonies was an energetic assailer of Colonial Office government. In consequence of those assaults upon our colonial system, it was expected that, as soon as the noble Lord came into office, he would hasten to bestow representative institutions on many colonies which were well deserving of them. But what has he accomplished, in this respect, during the last three years? He has imagined a nondescript constitution for New Zealand, and immediately suspended it; he then sent it to New South Wales for inspection, and New South Wales rejected it: having failed to reform the constitution of New South Wales, he now, at a late period of the Session, introduces a Bill to bestow the unreformed constitution of New South Wales upon the other Australian colonies; and, finally, he has commissioned the renowned Sir Harry Smith, the great *Inkosi Inkolu* of the Kafirs, to devise a constitution for the Cape of Good Hope. I will not venture to anticipate the results of these measures. I hope and trust they will be productive of benefit to the colonies concerned; but, in order that they may be as beneficial as possible, I maintain that they ought to be accompanied by a thorough revision and reform of our colonial polity.

Under the existing colonial system, in most of our colonies (I may, indeed, say in all of them with the exception of Canada), representative institutions are rather shams than realities, for they seldom lead to the legitimate consequences of representative government, namely, responsible government according to the will of the majority of the representatives of the people. In almost all the representative colonies the Colonial Office generally attempts to carry on the government by means of a minority of the representative assembly, with the assistance of a legislative assembly composed of the nominees of the Colonial Office. The consequence is, a perpetual struggle between the majority of the representative assembly and the party of the Colonial Office—a struggle carried on with an intensity of party hatred and rancour happily unknown to us; each party rejects or disallows the measures of the other party; thus legislation stands still, and enmity increases; after a time the supplies are stopped, and a dead lock ensues; then the Imperial Parliament is called on to take the part of the Colonial Office, and a constitution is sometimes suspended; next, to preserve order or to put down rebellion, the military force is augmented; and, finally, a demand is made upon the purses of the British people, who have invariably to pay the piper at every colonial brawl. Within the last fifteen years events of this kind have taken place in most of our largest colonies; for instance, in both the Canadas, in Nova Scotia, Jamaica and British Guiana; and they seem likely to be repeated in Jamaica and British Guiana. Thus, both in the colonies which have representative assemblies, and in those which have them not, the one great cause of complaint is irresponsible government from a distance; that is, government by rulers who are necessarily ignorant of the state of their subjects; who, sometimes with the very best intentions, propose and insist upon the very worst measures. It would be easy to take colony after colony, and show in each a series of lamentable blunders which have been committed by the Colonial Office. For instance, how the war of races was stimulated in Canada; how the ruin of the planters was made inevitable in the West Indies—how a valuable portion of our fellow-subjects in South Africa were driven into the desert and became rebels—how the immorality of Van Diemen's Land was fearfully augmented—how the colonisation of New Zealand was spoilt—how Vancouver's Island was thrown away—all through the ignorance, negligence, and vacillation of the Colonial Office.

Ignorance, negligence, and vacillation are three inseparable accidents of our system of colonial government. Ignorance is the necessary consequence of the distance that intervenes between the rulers and the ruled; negligence is the invariable result of the want of efficient responsibility, and the responsibility of the Colonial Office to Parliament is merely nominal, in consequence of the ignorance of Parliament with regard to colonial affairs. And whenever there is either ignorance or negligence, there vacillation must also exist. To illustrate these positions by events of recent occurrence, I will cite, as a case of negligence, the Act of the 5th and 6th Victoria, c. 76, which was passed in 1842, for the purpose of bestowing a constitution on New South Wales. One of the chief objects of that Act was to create district councils in that colony. Much importance was attached to the establishment of those councils, therefore great care ought to have been taken in framing the clauses with regard to them; on the contrary, there was the greatest negligence: when the Act reached the colony, after a journey of six months, the Governor discovered that the 48th clause, which ought to have contained an important provision with regard to the district councils, was without assignable object or discoverable meaning—in fact, it was utter jargon; the consequence was, that the district councils were still-born. Their premature decease is not to be regretted, for though they were favourite children of the present Secretary of State for the Colonies, they were begotten in ignorance of the wants and feelings of the inhabitants of New South Wales.

As an instance of vacillation, I will cite the recent conduct of the Colonial Office with regard to transportation to Van Diemen's Land. The House may remember, that in 1846 it was discovered that a state of almost incredible immorality existed among the convicts of that colony, arising from the negligence and mismanagement of the Colonial Office and the colonial Governor. The Colonial Office, therefore, determined to suspend transportation for two years, and sent a new Governor to the colony, to improve the system of convict discipline prior to the renewal of transportation. A few months afterwards, in February 1847, the Colonial Office changed its mind, and announced to Parliament, that transportation to Van Diemen's Land was not to be renewed. This intelligence was received in the colony with the greatest joy and delight. Unfortunately, however, not long afterwards, in the beginning of 1848, the Colonial Office changed its mind for the second time, and determined upon the renewal of transportation to Van Diemen's Land. The joy of the colonists was converted into sorrow—the more intense, in proportion as their hopes had been unnecessarily excited, and cruelly disappointed, by the vacillation of the Colonial Office.

As a recent instance of ignorance on the part of the Colonial Office, I will remind the House of the case of Ceylon. In 1847, the present Secretary of State for the Colonies appointed a Committee, consisting of the Under Secretary of State for the Colonies and other Gentlemen of distinguished abilities, to investigate the financial condition of Ceylon, with the view of proposing measures to promote the economical prosperity of that colony. After much labour, those Gentlemen drew up a report, which received the sanction of the Secretary of State for the Colonies. Now it has been proved in this House—and no one will venture to contradict my statement—that the chief data furnished by the Colonial Office, upon which that report was founded, were incorrect—that the most important conclusions to which the Committee arrived, were erroneous—that they mistook liabilities for assets, a bankrupt exchequer for a full treasury, and a deficit for a surplus of income over expenditure—that, in consequence of these mistakes, they recommended a reduction of taxation when they should have recommended a reduction of expenditure—that the Secretary of State for the Colonies, not being better informed than his Committee, adopted their recommendations, and instructed the Governor of Ceylon to give effect to those recommendations. These instructions were obeyed by the unlucky Governor—a nobleman who had been appointed on account of his skill in agriculture and in railroad finance, but who was not better acquainted with the affairs of Ceylon than either the Secretary or Under Secretary of State for the Colonies. The consequence was—financial embarrassment, which led to the imposition of taxes so injudicious, that, though they were approved of by the Colonial Office, within a year it was necessary to repeal them.

I refer to these cases, not in order to impute blame to individuals, but to illustrate my position, that ignorance, negligence, and vacillation are vices inherent in our system of colonial government, by whomsoever administered. My object is to prove that our colonial polity works ill, and produces discontent and complaint in the colonies, not because it is specially maladministered, but because it is an essentially faulty system, which cannot be well administered. It is difficult to censure a system without appearing to censure the persons connected with it. In order to overcome this difficulty, I declare that my object is not to censure any person. My Motion may be considered to be a vote of censure on our colonial system, but it is not intended to be a vote of censure on the Secretary of State for the Colonies. For, in my judgment, the colonies have not been worse governed by the present Secretary of State for the Colonies, than by any one of his predecessors, who have had equal opportunities of so doing. I know that a different opinion on this subject prevails, both in this country and in the colonies; that, in consequence of former speeches made by the present Colonial Minister, very exaggerated expectations were formed of what he would do when in office—that those exaggerated expectations have been disappointed—that that disappointment has been embittered by the injudicious praises of friends and subordinates—and that hence his name is most unpopular. But, in my opinion, it would be a great mistake to suppose that either his removal from office, or any mere change in the staff of the Colonial Office, would be of any real benefit to the colonies. The fault is in the system. The wonder to me is, not that the system works ill, not that it produces discontent and complaint, but that it works no worse than it does. Consider, Sir, for one moment, the nature of its working machinery. To govern our forty-three colonies, scattered over the face of the globe, inhabited by men differing in race, language, and religion, with various institutions, strange laws, and unknown customs, the staff of the Colonial Office consists only of five superior and twenty-three inferior functionaries. The superior functionaries are, the Secretary of State, the two Under Secretaries, the Assistant Under Secretary, and the Chief Clerk. The Secretary of State and the Under Secretary leave office with the Government, and rarely retain office for more than two years at a time—they are the ostensible heads of our colonial system, and are responsible to Parliament for the government of the colonies. The three other superior functionaries being permanent, are the real heads of our colonial system—they are screened from responsibility by the political functionaries—they are unknown to Parliament, scarcely known to the public by name, but have become celebrated of late years under the witty designation of Mr. Mothercountry, applied to them by Mr. Charles Buller. Subordinate to these gentlemen, there are twenty-three clerks, making, in all, twenty-eight persons for the government of forty-three colonies. Therefore, even with an equal division of labour, there would not be one official for the government of each colony. But no such division of labour is practicable. The Secretary of State for the Colonies is responsible to Parliament for the government of every colony. It is his duty, therefore, to be acquainted with the affairs of each of the forty-three colonies; to read and study every despatch, and to be prepared to answer, either in his own person, or by his Under Secretary, every question which may be put to him, in either House of Parliament, with regard to the colonies. If he could divide his time equally between the colonies, as there are forty-three of them, he could give about a week a year to the affairs of each separate colony; but to no single colony could he, at one time, spare a week of continuous attention; for every colony, more or less, requires his attention simultaneously. At one time he can only give a few hours to one dependency, then a few hours to another, and so on, turn and turn about, traversing and retraversing, in his imagination, the terraqueous globe—flying from the Arctic to the Antartic pole — hurrying from the snows of North America to the burning regions of the Tropics — rushing across from the fertile islands of the West Indies to the arid deserts of South Africa and Australia—like nothing on earth, or in romance, save the *Wandering Jew.* For instance, one day the Colonial Secretary is, in Ceylon, a financial and a religious reformer, promoting the interests of the coffee planter, and casting discredit on the tooth and religion of Buddha; the next day he is in the West Indies, teaching the economical manufacture of sugar; or in Van Diemen's Land, striving to reform the fiends whom he has transported to that pandemonium. Now he is in Canada, discussing the Indemnity Bill and the war of races; anon he is at the Cape of Good Hope, dancing a war dance with Sir Harry Smith and his Kafir subjects; or in New Zealand, an unsuccessful Lycurgus, coping with Honi Heki; or at Natal, treating with Panda, king of the Zoolahs; or in Labuan, digging coal and warring with pirates; or in the midst of South Africa, defeating Pretorius and his rebel Boers; or in Vancouver's Island, done by the Hudson's Bay Company; or in Victoria, *alias* Port Phillip, the chosen representative of the people; or in the Mauritius, building fortifications against a hostile population; or in the fair isles of the Ionian Sea, enjoying, I hope, for the sake of my dear friend Mr. Ward, a life of luxurious ease and perfect tranquillity. Thus the most incongruous events succeed each other, and are jumbled together in the brain of the unfortunate Secretary of State for the Colonies, as in the wild dream of a fevered imagination; and ere the unhappy man has had time to settle one grave colonial question, another of equal importance presses on his wearied and worn-out attention.

I repeat, that the wonder is, not that our system of colonial government works ill; but, that it works no worse than it does. I maintain, therefore, that that system requires revision. To ascertain in what manner it ought to be revised, how the machinery of the Colonial Office can be improved, and whether more local government and more self-government ought to be given to some or all of the colonies, should, in my opinion, be the first great subjects for the inquiry which I propose to the consideration of the House. In pursuing this inquiry, the commission should draw a broad distinction between those colonies which have or ought to have representative institutions, and those of the Crown colonies which are unfit for free institutions. Because the line of inquiry, the questions and the conclusions with regard to the best mode of governing the one class of colonies, will be very different from those with regard to the other class of colonies. In both cases, the more the government is local, the better I believe it will be. It will, therefore, be an important subject for inquiry by the commission, what is the best form of local government for those Crown colonies which are unfit for free institutions.

The second head of inquiry which I propose for the commission, is colonial expenditure. I have calculated that, on the average of the last fifteen years, the direct cost of the colonies to Great Britain, under the four heads of civil, naval, military, and extraordinary expenditure, has amounted to at least 4,000,000*l.* a year, exclusive of the sums paid for emancipating our slaves. The civil expenditure has been between 200,000*l.* and 300,000*l.* a year; the naval expenditure, I believe, I have under-estimated at 1,000,000*l.* a year. The military expenditure must have exceeded 2,500,000*l.* a year; and at least 200,000*l.* a year have been required, on the average of the last fifteen years, to cover the extraordinary expenses of Canadian rebellion, Kafir wars, &c. I believe that, with a reform of our colonial system, and with a searching inquiry into the cost of our colonies, a large reduction could be made in colonial expenditure, especially in military expenditure.

Last year the military force of the colonies consisted of forty-seven regiments of the line, nine colonial corps, one regiment of cavalry, thirty-eight companies of artillery, about 800 sappers and miners, and about 100 engineer officers; in all about 45,000 men of all ranks. The cost of these troops for pay and commissariat expenses alone, has been returned to Parliament, for the five years ending 31st of March, 1847, at 9,742,000*l.*, and at the rate of 1,948,000*l.* a year, exclusive of ordnance or other expenditure. These troops are scattered about in various stations, over thirty-seven colonies. In the ordnance estimates of this year, reference is made to fifty-four military stations, in which there are either barrack or ordnance establishments, generally both, with barrack-masters, barrack-sergeants, storekeepers, deputy-storekeepers, clerks of the works, &c. This year the sum of 197,000*l.* is required for the salaries of the officers and the wages of the workmen belonging to these establishments. The storehouses of these stations contain stores of the estimated value of 2,500,000*l.*, a sufficient amount of stores, if they do not perish of themselves, for about twenty years' consumption during peace.

In most of these stations, considerable sums have been annually expended on fortifications and other ordnance works. The sum required for these purposes in the estimates of this year is 216,000*l.*; and the total sum expended upon them in the course of the nineteen years from 1829 to 1847 has amounted to 3,500,000*l.* For instance, during that period we have expended in North America on ordnance works, at Kingston, 342,000*l.*; at Quebec, 330,000*l.*; at Montreal, 186,000*l.*; at Toronto, 65,000*l.*; at the Rideau canal, 67,000*l.*; at Halifax, 215,000*l.*; in Newfoundland, New Brunswick, &c., about 100,000*l.*: making in all about 1,300,000*l.* spent on ordnance works in North America within the last nineteen years. Many of these works are uncompleted, and to complete them large sums of money will still be required; for instance, at Kingston, 140,000*l.* Much of this expenditure has, I believe, been unnecessary; some of it absurdly so. For instance, in 1846 an estimate was presented to Parliament by the late Government for certain ordnance works in Canada. Those works were supposed to be wanted, because the dispute with America concerning the Oregon was not settled. However, before the estimate was voted, the late Government left office, and its last act was to announce the settlement of the Oregon question. The present Government adopted the estimates of their predecessors; they never thought of examining those estimates, but passed them in a heap, military works in Canada included. The money being voted was spent; and after it was spent, it was discovered that the works had been commenced after the reason for commencing them had ceased; that is, the works supposed to be required because the Oregon question was not settled, were commenced after the Oregon question was settled. The money so thrown away has amounted, I believe, to about 90,000*l.* It is lucky that a larger sum was not expended, for I can discover no existing check upon this expenditure.

In the West Indies 601,000*l.* have been expended on ordnance works in the interval between 1829 and 1847. During the same period 313,000*l.* have been expended for similar purposes at Malta and Gibraltar, and it was estimated that a further sum of 250,000*l.* would be required to complete the ordnance works in progress in these colonies. During the same period we have expended in Bermuda 183,000*l.* on ordnance works; to complete them another 100,000*l.* will be required. I understand, however, on good authority, that the introduction of steam has made these works of little value for purposes of defence; and to defend those works it is said that a flotilla, composed of small steamers drawing little water will be required.

Before I proceed to the Mauritius, I must observe, that, according to the highest authorities, our colonies should be divided into two classes with reference to military works; the one class consisting of colonies conquered from the French, Dutch, and other nations; and the other class consisting of colonies planted by our own people. The latter may at times be very much dissatisfied with Colonial Office government, but being inhabited by Englishmen, they always prefer our dominion to that of a foreign nation. Therefore, in the event of a war, they may be safely intrusted with their own defence. For instance, troops and military works are not required in Australia: it is true that a hostile Power might destroy Sydney, burn Melbourne, and commit other acts of vandalism; but it could never keep permanent possession of New South Wales, or Victoria, against its English inhabitants. On the contrary, in our conquered colonies we cannot trust the population; and in those colonies troops or military works are required more against our own hostile subjects than against foreign enemies. This is said, on high authority, to be the case of the Mauritius. It is said that in the event of a war, if Port Louis were not well fortified, it would be difficult for us to retain possession of it; and if we were to lose it, it would be difficult for us to regain possession of it; in both cases for the same reason, because an influential portion of the population are hostile to us. Now, it is said that the Mauritius is an important military station, that in the last war, before we took possession of it, prizes of the value of 7,000,000*l.* were carried into it. Hence the supposed necessity for extensive ordnance works in that island, both on the seaside against foreign enemies, and on the land side against domestic foes. On those works above 200,000*l.* have been expended since 1829. To complete the defences on the side of the sea at least 200,000*l.* more will be required, exclusive of the cost of the land defences. However, it is proposed to expend only 5,000*l.* a year on these works; therefore, at least forty years will elapse before they can be completed! May we be at peace and never require the use of them till they are finished!

In the Ionian Islands nearly half a million has been expended on ordnance works since the peace. The case of the Ionian Islands is a capital instance of the manner in which public money has been thrown away upon worthless colonies, on the absurdest pleas. In 1815 the great Powers of Europe, not knowing what to do with the free and independent States of the Ionian Islands, placed them under the protection of Great Britain. Lord Lansdowne and other distinguished statesmen remonstrated, on the grounds that such possessions would be burdensome, expensive, and of no use; but Lord Bathurst maintained that they would be most valuable; that the country would gain immensely by them; and that they would defray all expenses incurred on their account. On such nonsensical pleas our colonial empire was extended. What, however, have been the facts? Our export trade to the Ionian Islands has not, on the average of the last ten years, exceeded 122,000*l.* a year; and the Ionian States have been wholly unable to fulfil their pecuniary engagements to this country. They have cost us 130,000*l.* a year on the average, or about 4,500,000*l.* since the peace. We have built fortifications at Corfu, the original estimate for which, as sanctioned by the Duke of Wellington in 1824, was 182,000*l.*; this estimate was increased in 1831 to 227,000*l.*; in 1834 to 240,000; in 1839 to 340,000*l.*; that sum having been expended, we voted last year 12,873*l.*; we are to vote this year 9,206*l.* for these same works; then to complete them at least 50,000*l.* more will be required; and when these works, originally esimated to cost 182,000*l.*, shall be completed, at a cost of above 400,000*l.*, they will be so extensive, that in the event of a serious war it would hardly be expedient to spare forces sufficient to man them; and the wisest plan would be to blow up the fortifications, to abandon the islands, and to concentrate our forces at Malta and Gibraltar. For as long as we retain the supremacy of the ocean, we could always reconquer them for a trifle, provided there be no fortifications to resist us; and were we to lose the supremacy of the ocean, with the best fortifications, we could only keep possession of them for a few months.

In South Africa we spent, between 1829 and 1847, 271,000*l.* on ordnance works. A considerable portion of this sum has been expended on the eastern frontier of the colony of the Cape of Good Hope, in bridges over unknown rivers, and various works, offensive and defensive, against the Kafirs. Our ordnance expenditure in South Africa is, however, only commencing. For we have lately advanced our eastern frontier, and taken military possession of a possession of a portion of Kafraria. If, in addition to this, we are to defend the frontier of Natal, against the Kafirs on one side, and the Zoolahs on the other; if military stations are to be established in the interior among the insurgent Boers; if our newly-acquired frontier on the Yellow River is to be guarded against the Bechuana tribes of Central Africa; then, in future years, large sums will be required for ordnance works, our military force must be greatly augmented, and our expenditure on account of South Africa will probably be increased from 300,000*l.* a year to twice that sum, or more. The Kafir war, which has just terminated, is a sample of what we may expect frequently to happen in our South African dominions. By the time all the bills are paid, that war will probably have cost us a couple of millions sterling. How has this money been expended? Nobody knows, or rather, nobody seems inclined to tell. A very curious return has been lately presented to the House on this subject. It is an answer from the Commissioners of Audit to a letter from the Treasury, in which the commissioners are directed to report upon the expenditure occasioned by the late Kafir war. In reply, they state that they can do nothing of the kind, for no accounts have been furnished to them. In fact, it appears that no accounts have been kept, and that the persons whose duty it was to keep the accounts neglected their duty, and disregarded the orders both of the Treasury and of the Colonial Office. All that is certain is, that our money has been spent. There can be little doubt that Sir H. Pottinger was right in suspecting the existence of gross peculation. And Sir H. Smith has assured us that many persons have amassed large sums of money by the late war; that there is a redundancy of money at the Cape, with general prosperity, and a tendency to over-speculation. In fact, a Kafir war is a godsend to the inhabitants of the Cape; and I believe they pray for it as a means of extracting money out of the pockets of the wise men of England. And if it be our sovereign will and pleasure that Sir Harry Smith shall proclaim himself paramount chief of Kafraria, with strange rites and wonderful discourses; if he is to add desert after desert to our barren empire in South Africa, till it become as large as the whole of the Austrian dominions; if he is to cross the deserts which are the natural boundaries of the colony of the Cape, and to acquire a new frontier as long as from here to Naples, exposed, for many hundred miles, to the ravages of fierce, warlike, and rapacious barbarians; if he is to hunt across the plains of Central Africa, the Boers, ever flying from our hated dominion—why, the people of Great Britain must make up their minds to pay dearly for their whistle; and a more worthless one has never been acquired by force of British arms.

Thus, actuated by an insane desire of worthless empire, into every nook of our colonial universe we thrust an officer with a few soldiers; in every hole and corner we erect a fortification, build a barrack, or cram a storehouse full of perishable stores—and for what purposes? Because the military and naval sages, who are authority in these matters, maintain that we ought to be always prepared for war. In the opinion of those philosophers, the natural state of the civilised man is an universal war of nations; therefore, in anticipation of their coming millennium of perpetual strife, they demand that Great Britain should, regardless of expense, be ready on every point, at every moment, to combat with every one for the whole of her vast colonial domain. It has been said, over and over again, without as well as within this House, by the noble Lord the Prime Minister, and others, that we have inherited from our ancestors numerous colonies, which it is our interest, our duty, and our policy, to maintain and defend; for that Great Britain without her colonies, would in size be but a petty kingdom; but that, with her colonies, she has, in extent of surface, the semblance of an enormous empire. And it is said, that this semblance of enormous empire, arising from a vast colonial domain, overawes foreign nations, impresses them with a prestige of our might, causes the name of England to be a real and a mighty Power, converts the mere sound of that name into a force greater than that of numerous fleets and costly armies, and thence it is argued, that colonies are the cheapest and most politic means of maintaining our position amongst the nations of the earth. This argument is well known by the name of the "prestige of might" argument. It has formed the staple of every speech in which the noble Lord the Prime Minister has replied to every proposal for the reduction of our colonial and military expenditure. What is the value of this argument? It reminds me somewhat of the old fable of the animal who clothed himself with the skin of the lion, and fancied that then the rest of the brute creation would mistake him for their natural king. Now, according to the "prestige of might" argument, our colonial empire is our lion's skin. Does it augment our strength for the combat? Certainly not. In the event of a serious struggle with a Power of nearly equal force, our colonies would be a serious incumbrance. To defend them, we should have to scatter our forces over the face of the earth; and, contrary to every sound principle of warfare, we should run the risk of being destroyed in detail. In the event of such a conflict, the wisest plan would be to withdraw our troops, to recall our fleets, and to concentrate our forces; in short, to disencumber ourselves of our lion's skin, to take it up again when the combat is over. But the argument is, that the fear of the sham lion would prevent the combat from ever taking place. So thought the animal in the fable, presuming upon the ignorance of his fellow-beasts, and wofully was he mistaken. Now, does any one fancy that in these days we can impose upon mankind by such a sham; that we can, for instance, persuade the statesmen of Europe that, by acquiring an empire in South Africa as large as the Austrian dominions, we have added the might of old Austria to that of Great Britain? On the contrary, those statesmen will be much more likely to fancy that there are young Hungaries springing up both in Canada and in the land of the Boers. Therefore this "prestige of might" argument should rather be termed the "sham-lion" fallacy. And a dangerous fallacy it has been; for it has many times led us to commit the great and costly mistake of trusting more to military force than to good government, for the maintenance of our colonial empire.

Now, it appears to me, that if the commission which I propose should be appointed, it should inquire to what extent it is necessary or politic for us to keep troops, or build fortifications, in our colonies; whether we ought to do so in any colonies, except in our strictly military stations; what colonies should be considered to be military stations; and what is the best mode of checking and controlling our huge ordnance expenditure in the colonies, which, at the present moment, is without check or control. This inquiry appears to me a very important one; for I feel persuaded that, without a very considerable reduction in the military and naval expenditure on account of the colonies, no considerable reduction can be made in the cost of the colonies; or, in fact, in the general expenditure of the British empire.

I also think, that if a commission be appointed, in addition to inquiring into the cost of the colonies to Great Britain, it might, with some advantage, inquire into the cost of the colonial government to the colonies themselves. On a former occasion I attempted to prove to the House that in those colonies which have a greater amount of self-government, the rate of expenditure per head of the population is generally less than in those colonies which have a less amount of self-government; and I infer that this difference in the rate of expenditure arose from the difference in the amount of self-government. If this inference be correct, it follows that the best mode of ensuring a wise economy in the colonies, is by giving them greater control over their own finances. Government from a distance is apt, from ignorance, not only to be lavish in expenditure, when it ought to be economical, but also to be niggardly when it ought to be generous. It would not be difficult to adduce various instances of niggardliness, in which the Colonial Office, not understanding the importance of a particular expenditure to a colony, has withheld its sanction to that expenditure to the detriment of the colony. Such cases are, however, rare, as compared to those of lavish expenditure, of which the colonial civil lists have generally been striking instances. As those civil lists have chiefly had reference to functionaries who have been sent out from this country, their salaries have generally been fixed rather with reference to the standard of wealth in this country than in the colonies; for instance, the salaries of governors. There are eighteen British colonies which pay for their own governors; their salaries amount in all to 72,000*l.* a year; therefore the average is 4,000*l.* a year, or nearly nine times the average salary of a governor in the United States. In fact, the total amount of the salaries of the thirty governors of the thirty States of the Union is less by 2,500*l.* a year than the total amount of the salaries of the four governors of the British North American provinces of Canada, New Brunswick, Nova Scotia, and Newfoundland. Therefore, there is a general opinion in the colonies that the salaries fixed by the civil lists are excessive; and those civil lists have been subjects of perpetual dispute between the colonies and the Colonial Office. Now, it appears to me that it would be a question for the consideration of the commission, whether all or some of the colonies, which pay for their governors, should not be permitted to elect their own governors, and to determine the amount of their salaries; or, on the other hand, if it be deemed expedient that all the governors should be appointed by the Imperial Government, whether they ought not to be paid out of imperial funds? In those colonies which have, or ought to have, free institutions, the representatives of the people are the best guardians of the public purse. But in those Crown colonies which are unfit for free constitutions, it would be for the commission to ascertain what checks exist, or ought to exist, against lavish expenditure.

Lastly, I propose that if a commission be appointed, it should inquire into the subject of emigration and colonisation. It would be easy to show that the colonial policy of this country has not directly tended to encourage any emigration except that of convicts, and that by encouraging convict emigration, it has indirectly tended to discourage the best kinds of emigration; for no good and respectable man, especially if he be the father of a family, or intend to be one, would ever think of going to a convict colony, unless he be in complete ignorance of the moral consequences of convict colonisation. Therefore it is of the utmost importance to the colonies that the question should be settled, whether convict emigration is or is not to continue to be a portion of the colonial polity of the British empire. There can be no doubt that convict emigration is a good thing for the people of Great Britain; it saves them much money, much time, and much trouble in punishing over and over again the same criminals. On the other hand, it cannot be denied that it is a bad thing for the people of the colonies; it increases (in some instances it creates) their criminal population, and augments the amount of their penal expenditure; it is offensive to the feelings of the better portion of the colonists, and injurious to the character of all of them; and though some of them may consent to it for the sake of pecuniary gain, yet that consent is a proof of moral degradation, likely to be increased and rendered permanent by contact with criminals. The question, therefore, is, whether the benefit to Great Britain from convict emigration so far exceeds the injury to the colonies, that the empire as a whole is a gainer thereby. Now, the benefit to Great Britain consists primarily in getting rid of its criminals; they are a very great nuisance here; they constitute a dangerous class; in former times they were got rid of by the simple process of hanging; when hanging became disgusting, then transportation was adopted by the humane people of England as the easiest mode of ridding themselves of their criminals, without shocking their sensibilities. It is evident, therefore, that the benefit to Great Britain from convict emigration, is in direct proportion to the number and wickedness of the criminals exported. On the other hand, it is equally evident that the evil to the colonies from convict immigration, is also in direct proportion to the number and wickedness of the criminals imported. Therefore the gain to the one is equivalent in amount to the loss to the other; and the result to the empire as a whole, is an expensive shifting of the burden of crime. Now, if Great Britain be entitled to transfer its criminals to the colonies, if that transfer be for the benefit of the whole empire, then it is evident that every one of the colonies should be required to make the same sacrifice for the public good by receiving convict immigrants. Accordingly a considerable change has been lately proposed and attempted to be made in the distribution of convicts in the colonies. Under the whole system of distribution, the moral filth of Great Britain was accumulated in vast and fermenting masses in the penal colonies, whence moral typhus, plague, pestilence, and all manner of hideous disease; and the British pest-houses of Australia stunk in the nostrils of mankind. Under the present system of distribution, that filth is to be spread out evenly over the surface of the colonies, and the colonists are to be told that it will be a fertilising manure, which will increase their material wealth and prosperity. To the old system it is impossible to return. The new system, I believe, contains within itself the germs of sure and speedy decay. For it was admitted in the case of the colony of the Cape of Good Hope—thanks to the exertions of the hon. Gentleman the Member for North Staffordshire—that convicts are not to be sent to any colony which protests with sufficient energy against convict emigration. The example of the Cape of Good Hope is being followed by New Zealand and Van Diemen's Land, and will be followed by all our other colonies; for, in proportion as they acquire wealth and their population increases, they will feel more acutely the stigma which justly attaches to them as convict colonies, and will spare no effort to remove that stigma. Therefore, I believe that convict emigration cannot have a permanent existence as a portion of the colonial polity of Great Britain. May it not continue in existence so long as to engender such feelings of hatred and discontent as might tend to subvert our colonial empire? On a former occasion the noble Lord the Prime Minister thought proper most unjustly to accuse me of a wish to get rid of our colonial empire. He described that empire as a glorious inheritance which we had received from our ancestors, and declared that he was determined, at all risks, to maintain it for ever intact. Now, I ask him, how do we treat that precious inheritance? By transportation we stock it with convicts; we convert it into the moral dungheap of Great Britain; and we tell our colonists that thieves and felons are fit to be their associates. Is this the mode and manner to inspire the inhabitants of our colonies with those feelings of affection and esteem for the mother country, without which our colonial empire must speedily crumble in the dust, notwithstanding our numerous garrisons? Now, if the magniloquent words of the noble Lord were not mere empty vauntings, to raise a cheer and gain a momentary triumph in a debate; if the noble Lord be sincere and earnest, as I am, in the wish to maintain that empire intact, and to hand it down great and prosperous to posterity, he will cordially unite with me in the effort to put an end to convict emigration. I maintain that we have no moral right to relieve ourselves of our criminals at the expense of the colonies, and that the desire to make a scapegoat of our colonies, by whomsoever entertained, whether by Members of this House or by magistrates of quarter-sessions, or by judges on the bench, is a mean and selfish feeling, of which, as citizens of this great empire, we ought to be heartily ashamed.

With reference to free emigration, I do not recommend that the commission, if it be appointed, should inquire into the expediency or practicability of the great schemes of emigration or colonisation which have been lately proposed, with a view of relieving the economical difficulties of the united kingdom. I recommend that the inquiry should be confined to ascertaining the nature of the obstacles which stand in the way of individual enterprise in colonising, and which impede emigration to the colonies. The existence of such obstacles will be acknowledged by every one who is conversant with the history of the attempts which have been made of late years to found colonies in Australia and New Zealand. Having been concerned in one of those attempts, experience has satisfied me that under our present system of colonial government, no gentleman, no man of birth or education, ought to think of emigrating to any one of the British dependencies. I feel satisfied that if our colonial system continue unreformed, the better class of emigrants who wish to seek their fortunes in a new world, where there is less competition, and a more open field for youthful energy and enterprise, will be more and more apt to direct their steps to the United States of America, where they will enjoy institutions and self-government of English origin, and will not be liable to have their prospects marred by the ignorant and capricious interference of distant and irresponsible authorities, or of their ill-selected instruments. Within the last five-and-twenty years, as I have already said, about two millions of persons have emigrated from this country. One million have gone directly to the United States of America; about 800,000 to our North American colonies; of the latter more than one-half re-emigrated to the United States. Therefore, in all probality, three-fourths of the emigration from this country during the last five-and-twenty years has been to the United States—in fact, last year three-forths of the emigrants from this country, 188,000 out of 248,000, went directly to the United States. It is not improbable, therefore, that the number of persons now living in the United States, who were born British subjects, is as great as the whole number of persons of British and Irish descent in all our dependencies. I ask, why do emigrants prefer the United States to the British colonies? I ask this question not from any feelings of jealousy of the United States. I look upon those States as the greatest, the most glorious, and most useful children of England; for their inhabitants I entertain the strongest regard and affection; I rejoice that we are assisting them in peopling their far west—I rejoice at everything which promotes their interests and redounds to their honour—I believe these feelings are entertained and returned by the instructed and reflecting men of both countries—I believe that trade, emigration, and similarity of institutions are daily strengthening the ties between Great Britain and her independent colonies—thence I augur the happiest consequences to our race. And in the same manner as I might ask why emigrants prefer one British colony to another, so I do ask what turns the tide of emigration from our dependent to our independent colonies? I answer, Colonial Office government, convict emigration, and other causes, which a commission would be able to ascertain and point out to the House.

I have now stated what, in my opinion, should be the three chief heads of inquiry by a commission, namely, colonial government, colonial expenditure, and emigration or colonisation. Under each of these heads, the commission should inquire what questions should be considered as imperial ones, and what questions should be looked upon as local ones. It should attempt to ascertain what powers the Imperial Government ought to reserve for the benefit of the empire at large, and what powers ought to be delegated to the colonial legislatures. It appears to me that it would not be difficult to classify and define the powers which ought to be reserved as imperial ones; and then all other powers not so reserved, should be held to be local powers. The advantages of such a classification, if sanctioned by the Imperial Legislature, are self-evident. It would enable the colonial legislatures to know precisely what they are entitled to do, and what they must abstain from doing. It would thus greatly diminish the chance of hostile collision between those legislatures and the Imperial Government; and last, and not least, it would spare us many a useless debate about colonial questions with which it is impossible for us to be well acquainted.

I have now assigned my chief reasons for the Motion which I have proposed. I have shown that there is a growing conviction in this country, and an intense conviction in the colonies, that there are grave errors and defects in the colonial polity of the British empire. I have thence inferred that that polity requires revision. For the purpose of revision, I have asked that a searching inquiry should be instituted—first, into our system of colonial government, with the view of removing the causes of colonial discontent and complaint; secondly, into colonial expenditure, with a view of diminishing the cost of the colonies; and, thirdly, into the subjects of emigration and colonisation, with a view of affording free scope for individual enterprise in the business of colonisation, and of removing the obstacles which stand in the way of emigration to our dependencies. If this inquiry be properly conducted, it will furnish the means of settling the great practical questions of colonial government: for instance, what colonies ought to have free institutions; what is the best form of self-government for colonies with representative institutions; what is the best kind of local government for colonies unfit for self-government; what defences are needed for what colonies; what should be the nature and amount of imperial expenditure for the colonies; what would be the best checks both on imperial and local expenditure in the colonies; to what colonies, convict emigration, if not abolished, would be least mischievous; for what colonies free emigration, and of what kind, would be most beneficial; what rules should be adopted for the disposal of colonial lands, and by whom those rules should be framed; and, lastly, with regard to the settlement of all these questions, and of many others of equal importance to the colonies, and with reference to each class of colonies separately, what powers should be reserved to the Imperial Government, and what powers should be delegated to the local authorities? I am convinced that upon the practical settlement of these questions the maintenance of our colonial empire mainly depends. I believe that the stability of that empire is in imminent danger from their non-settlement—first, in consequence of the colonial discontent engendered thereby; secondly, in consequence of the opinion, which I am sorry to say is thence gaining ground in this country, that these colonial questions are insoluble; therefore, that good colonial government is impossible; therefore, that colonies are nuisances and burdens; and, therefore, the fewer they are in number, and the sooner they are got rid of, the better. I lament the growth of these opinions. I am satisfied they will spread and acquire strength in proportion as the settlement of the questions to which I have referred is delayed. To settle those questions without inquiry and assistance, Parliament is at present utterly incompetent. The experience of this Session has shown that a debate on a colonial question is confusion worse confounded, wherein scarcely any two speakers agree; the few listeners are puzzled by the conflicting opinions of pretended authorities; and the House, in utter despair of understanding the subject, generally gives a reluctant and distrustful vote of confidence in the Colonial Office. The results of that confidence I have displayed to the House, in the shape of wars, rebellions, recurring distress, perpetual discontent, and enormous expenditure—the necessary consequences of the ignorance, negligence, and vacillation, which I have shown to be inseparable from our system of colonial government. Not as a cure for these evils, but as the necessary preliminary step towards a cure, I ask for the inquiry, the nature of which I have just described.

It is evident that the good to be obtained from an inquiry will depend upon the manner in which it is conducted, and the persons to whom it is entrusted. On a former occasion, the hon. Gentleman the Member for Berwickshire proposed that a similar inquiry should be conducted by a Committee of this House. Though I voted for his Motion, I was compelled to acknowledge that the inquiry would be too vast and too complicated for a Committee. I voted for his Motion because I felt satisfied that, if a Committee were appointed, it would soon discover its inability to perform its allotted task, and would recommend that the inquiry should be conducted in the manner which I now propose—that is, by a Royal commission. If the House should accede to my Motion, and Her Majesty should be graciously pleased to appoint a commission, I should presume to recommend that it should consist of not more than five persons; that the commission should report from time to time to Her Majesty; that their reports should be laid before Parliament; and, if approved of by Parliament, they should be the bases of colonial legislation, and of a reform of our colonial polity. The task which the commission would have to perform would be an arduous as well as an important one. The question will be asked, to whom should the performance of such a task be entrusted? what should be the qualifications of the members of such a commission? It may, perhaps, be maintained that the inquiry which I propose should be conducted by the department to which the management of our colonial affairs is entrusted. And if the inquiry were to be merely into the details of colonial administration, into the machinery of the Colonial Office, into the number of functionaries which are required in that office, and into the best division of labour between them, I might then admit that such an inquiry might be left to the management of the Colonial Office. But the inquiry which I propose is a much more extensive one, namely, into the whole colonial policy of the British empire. Now, first, the functionaries of the Colonial Office are too much occupied with the daily administration of colonial affairs to be able to spare time for so extensive an inquiry as that which I contemplate. And, secondly, I must say, without any intentional disrespect for those gentlemen, that having been accustomed to the existing system, they would, in my opinion, be apt to look upon that system with too favourable an eye. Therefore I object to entrusting this inquiry to the Colonial Office. To whom then should this inquiry be entrusted? It is evident that it ought not to be conducted in a party spirit; and, in fact, it is not a party question; for each party is equally interested in the good government of the colonies, in the reduction of unnecessary colonial expenditure, in the promotion of colonisation and emigration, and, in short, in everything which can conduce to the prosperity of our colonial empire, and to the happiness of our colonial fellow-subjects. Therefore, if a commission be appointed, I should recommend that it be fairly chosen from the four divisions of this House: for example, one Member should be appointed from the Ministerial benches—such a person, for instance, as my hon. Friend the Under Secretary of State for the Home Department; one Member from amongst the friends of the right hon. Baronet the Member for Tamworth—as, for instance, either the right hon. Baronet the Member for

Ripon, or the right hon. Gentleman the Member for the University of Oxford, or the noble Lord the Member for Falkirk; one member from the ranks of the Protectionist party; and one from the section of the House to which I belong. To the four Members so selected, I would recommend that there should be added one of our most distinguished economical and political writers—such, for instance, as Mr. John Stewart Mill. I think a commission so constituted, with full power of inquiry, would deserve and obtain the confidence both of this country and of the colonies, and would lead to the most important results.

I hope that I have succeeded in giving the House a clear notion of what is the object of my Motion, and that I have satisfied the House that I am actuated by the desire of promoting the well-being of the colonial empire. In conclusion, I must beg the House to observe, that by agreeing to my Motion, the House will not pledge itself to any specific principles of colonial polity, or to any positive legislation, but only to the position that there ought to be a searching inquiry into our system of colonial administration. Can any one deny that such an inquiry is desirable, and that it may produce great benefits both to Great Britain and the colonies? Therefore, in the firm conviction that my Motion is both a practical and a useful one, worthy of the consideration and approval of the House, I now beg leave to move the address of which I have given notice.

Motion made, and Question proposed—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to appoint a Commission to inquire into the administration of Her Majesty's Colonial Possessions, with a view of removing the causes of Colonial complaint, diminishing the cost of Colonial Government, and giving free scope to individual enterprise in the business of colonising."

Mr. HUME, in rising to second the Motion of the hon. Member for Southwark, said, that the hon. Baronet had completely exhausted the subject, and had given every possible reason that could be assigned for acceding to his Motion. He believed that an inquiry, if proposed to the community at large, would be very generally felt to be necessary, for there was not a class in society contented with the manner in which our colonial affairs were managed. There was no one who paid the least attention to our financial affairs who could for a moment doubt that the colonies were a severe drain on the means and resources of the mother country. Doubtless, there were some who thought the question, in all its bearings, too vast for the inquiry of any commission, however great its powers or eminent its qualifications; but he would reply to that by saying, that the greater the magnitude of the interests at stake, the more necessary was it that a close and searching investigation should be instituted. He, for one, was most anxious to see the colonies of Great Britain rendered productive—not rendered productive by yielding to this country additional taxes or revenue, but in relieving England from the expenses which she had hitherto been accustomed to discharge on account of her colonies, and in preventing the necessity of incurring any further expense of that description. The functionaries of the Colonial Office appeared to him most unequal to the discharge of those duties which their office imposed on them. It must evidently stand to common sense that when their time was so divided as it now must be, they could not make anything like a satisfactory attempt to get through their labours. The extent and nature of those duties necessarily left them ignorant of facts and sentiments without the knowledge of which they could not be efficient officers of the Crown in the Colonial Department. In fact, they every day gave proofs of most lamentable ignorance—and, again, of extreme vacillation and inconsistency—for one Minister was frequently found undoing that which his predecessor had with great labour and the exertion of much influence accomplished. For all these reasons, then, he was most anxious to see as many as possible of our colonies put in possession of the means of self-government. Let them appoint a commission such as that suggested by his hon. Friend, and then they might expect to see large, just, and liberal views taken of the condition of our colonies. In times long since passed away, our best and most valued colonies were those which governed themselves. The authorities in such colonies could at any time do whatever might be best for the well-being of the State, or the advantage of the mother country, without sending home to head-quarters for permission to do good, or to seek at the hands of the Imperial Government a confirmation of all their acts. But, although he said this, he wished it by no means to be understood that he desired to get rid of the colonies, because he should think them no burden if they were properly managed.

Why was it that British emigrants going abroad to settle, preferred the United States to any British colonies? Simply because the British colonies were ill managed—were they otherwise, Englishmen would naturally rather go there than to the territories of foreigners. Then there was another great and just source of complaint, namely, the manner in which all colonial appointments were bestowed. People were constantly appointed to colonial offices who knew nothing of the habits, manners, history, or language of the inhabitants; and, though that course of complaint had now reached a great height, yet it was unfortunately no novelty; for very many years ago one colony (Prince Edward's Island, as we understood) offered to pension off all the functionaries in the colony, provided they were allowed in future to nominate their own public officers, whom they should be quite willing to pay. If Parliament would only seriously take up and accomplish the great work of colonial reform, they would find men of all ranks willing to settle in the colonies. Upon the various grounds, then, which his hon. Friend had stated, he begged to protest against the present system. If he looked at the returns moved for by the hon. Member for Northamptonshire, he found how the country was drained for money for the colonies, and when he looked at the manner in which that money was afterwards wasted and scattered, he could not help repeating, in the most emphatic manner, his conviction that the Motion before the House ought to be agreed to. In conclusion, then, he hoped that no one would accuse him of wishing that we should part with our colonies; for, in his opinion, it would be quite practicable to make them all pay their own expenses. For these several reasons he had great pleasure in seconding the Motion of his hon. Friend, and giving it his most cordial support.

MR. HAWES said, that the hon. Baronet the Member for Southwark, who had brought forward the Motion before the House, had made a speech which might be conveniently divided into two parts, to be dealt with separately. It was not very easy to meet these general and vague statements which were made in reference to colonial questions; and in this instance he was bound to say, that as the hon. Baronet proceeded in his speech, he appeared to take a view of every topic relating to our colonies except the argument relating to the subject immediately before the House. That Motion was one which might be described as perfectly impracticable and illusory, and upon that ground he (Mr. Hawes) should venture to oppose it. The hon. Baronet proposed that a commission should be appointed, consisting of five persons, to inquire into the causes of complaint in our colonies—to inquire into the cost of Government generally, both at home and in the colonies; and he proposed, also, to inquire whether or not greater scope could be given with a view to permit individual emigration to the colonies. It might have been supposed that the hon. Baronet, who had attended so much to this subject, might, at least, have shadowed out some of the causes of colonial complaint; and if he had done so, and done so clearly, he would have found the duty he would impose upon his commissioners to be one not very easily performed. What were the causes of complaint? What was the great cause of complaint at this moment among our West Indian colonies? The great cause of complaint was, that the Legislature had introduced an entirely new system of commercial policy. Was it meant that these commissioners should inquire into that question, and ascertain whether that complaint was well founded, so raising expectations that the recent policy might be changed? If so, he protested against delegating such a power to any body of men. Let hon. Members turn to the petitions from the House of Assembly at Jamaica, and they would find that the petitioners traced all their misfortunes to Mr. Canning's resolutions in 1823: that that led to emancipation, and that emancipation led to their misfortunes and ruin. Was it meant to open the whole question of slavery and the slave trade? If so, he protested against, and, so far as he was concerned, would oppose, a course which gave to any body of men whatever the power of entertaining and investigating these all-important and imperial questions. But was that all? Go into another hemisphere—into New South Wales—and ask what was the great cause of complaint there? The minimum price of land. The hon. Baronet said that that was a case for inquiry. He (Mr. Hawes) did not mean to say that it might not be a fair subject for inquiry. But a large number of the colonists there had bought land under the regulations sanctioned by an Act of Parliament, and the subject required grave consideration. There was another question — the form of government. These five gentlemen sitting—not, of course, in Downing-street, for that name was odious to the hon. Baronet — [Sir W. MOLESWORTH: Hear, hear!]—these five gentlemen sitting in Whitehall, or wherever else a newly-furnished apartment could be found for them, were to discuss a form of government for every colony complaining of its existing form of government. Was this power one to be delegated to commissioners? These were all great and imperial questions, to be discussed and decided in that House—to be proposed by the Minister on his responsibility, and not to be shirked by the appointment of a commission of five gentlemen. He wanted to know what would be the course taken with respect to any of these colonial grievances or complaints. The hon. Baronet said that it would save debates in that House. But was it certain that these five gentlemen would obtain the confidence of the colonists more fully than the Secretary for the Colonies, or that their proceedings would not provoke debates in that House? But be that as it might, what he (Mr. Hawes) should endeavour to prove was, that his noble Friend the Secretary for the Colonies, within the time he had been in office, was deserving of the confidence of the House; that he had laid down large principles of colonial policy; and that when he had declared the vice of our old colonial system to be the governing colonies at a distance, he was the Minister who had done more to lay the foundation for local self-government, and for colonial independence, than any Colonial Minister who had preceded him. Probably, next year—in the year 1850—the hon. Baronet would say that the Under Secretary had been told to defend Lord Grey and the Colonial Office; but he (Mr. Hawes) was accustomed to these taunts, and while it was his conscientious conviction that he could justly defend his noble Friend, not even the sarcasm of the hon. Baronet should deter him. But suppose the commission affirmed? Who were to be the witnesses before it? Were they to be colonial residents, accidentally in London, or gentlemen of peculiar opinions? Were they to be brought from the colonies, or were the commissioners to go to the colonies? How was the evidence to be obtained? For his own part, he objected to picking up any colonial gentleman who happened to be in London, and consulting him or examining him on forms of government, or the great question of transportation, or on any other great and imperial question. Why, both commissioners and witnesses must be men of tried ability, and great experience and knowledge; or what would their report be worth, or what weight would it have in that House, unless it emanated from such a source? And if the report were without weight in that House, what would be its practical value? and when would such a report be completed? Why, five years hence the report would be asked for in that House. An hon. Gentleman said that reports might be made from time to time; but he assured him the commissioners would not be able to make up their minds so easily. Then, how was the commission to be composed? There was to be a free-trader here, a protectionist there; somebody to represent this, and somebody to represent that; and when this happy family were congregated, each one was to propound his opinions, and when they had joined them all together, in due time they were to produce their report. He might safely predict that such a report would prove to be one of those admirably-written compositions which meant nothing, or that the result would be, that the evidence alone would be printed, and no report at all would be made. The hon. Baronet had not laid any ground for this Motion, and he (Mr. Hawes) would go over the instances he had adduced of colonial misgovernment, and, taking the chance of having such information with him as would meet some of those cases, show the House the exaggerations of the hon. Baronet, and prove that he had not taken the trouble to examine the subject. He did not expect that the hon. Baronet would have gone at such an easy canter over the important subject he had raised. The time was singularly ill chosen for asking for this commission. He (Mr. Hawes) asserted distinctly, and would maintain the assertion, that the most liberal principles of commercial policy had been propounded to Parliament, and had been adopted and acted upon, and that many most important colonial questions had been settled, and in a large and comprehensive manner, by his noble Friend. The hon. Baronet said that this was not a vote of censure; and he (Mr. Hawes) was bound to accept and adopt those words. The hon. Baronet also said that he attacked no one. But he had attacked Earl Grey, Mr. Gladstone, and Lord Stanley, and the whole colonial system of the country since 1775 or 1776. He (Mr. Hawes) would briefly refer to that part of the speech of the hon. Member for Southwark in which he had described the foundation of the North American colonies, saying that the colonial policy of the country was changed in 1775; and he must recall to the recollection of the hon. Baronet circumstances of that time which he had overlooked. We had acquired these colonies during a war. The parties then in power were not remarkable for their love of free and popular institutions. All the colonies we had obtained in the present century, and in the latter part of the last century, had been governed on a different system. They had, in point of fact, been made Crown colonies, and when an Act of Parliament had been obtained at all, it had rather been with a view to limit than extend their privileges. To show how ill-timed was the Motion, he would here advert to one fact. His noble Friend at the head of the Colonial Department had thought he might avail himself of the services of a Committee of Council from time to time in regard to certain important questions which were raised in the Colonial Department. That commission was thus described in a letter from Earl Grey to the Committee of Council for Trade and Plantations, on the 12th April, 1849. The letter stated that in the course and current of colonial business questions arose better adapted for private inquiry than for formal and public investigation: such as cases of personal controversy between the officers of the Crown and others, or cases in which different parties in the colonies invoked the interference of the Department, or constitutional changes, and plans for local improvement. That letter led to the establishment of the Committee of Council, and that Committee had pointed out necessary changes in our colonial policy, as regards one great group of colonies, which had already been introduced into a Bill for the better government of our Australian colonies. [Sir W. MOLESWORTH: The names.] He was not prepared with a list of the names; but the report was drawn up by Sir James Stephen, and was entitled to great weight. He did not think that the views and principles which were proposed in that report would be disputed, or that the conclusions arrived at would be opposed by any one who had read that report; and, as far as he had the honour of knowing Sir James Stephen, a more liberal administrator of colonial affairs was never connected with the Colonial Office. When he used the word liberal, he did not mean it in a party but in its most extensive sense. He wished to call the attention of the House to that report. It stated that the time had come when a change should take place in our system of colonial government. It stated that in the ancient colonial possessions of Her Majesty, such as the American and other colonies, local government had almost invariably been exercised—that they had been governed by a governor, a council appointed by the governor, and a legislative assembly popularly elected; but that in the nineteen colonies which had been acquired during the nineteenth century that form of government had not been established. [Mr. HUME: Read the report.] He had been reading from the report, and he was glad to hear that his hon. Friend the Member for Montrose had not read that document.

MR. HUME was surprised to hear liberal principles coming from the man whose name had been mentioned.

MR. HAWES: That report was dated in May, 1849. He said then that the recommendations of that Committee of Council adopted the views and principles which had been adopted by his noble Friend at the head of the Colonial Department in a large and liberal sense; and the House and the country would see by the Bill which he had lately laid on the table of the House, that it was the desire of the noble Lord to extend local self-government to the colonists. But that was not all which had been done, for at the beginning of the Session he had proposed a Committee with reference to colonial affairs, to which the hon. Baronet had alluded. That inquiry with reference to one of the colonies had taken place, and the report was before the House; and the House would recollect the charges which were made against the Colonial Office when that Committee was appointed. Those charges, however, were not supported by the report which was now before them. The hon. Baronet had alluded to Ceylon, and in reference to this colony, charges had been preferred against the Government; but as these charges were now under inquiry, he would not allude to them. He had used strong language in reference to that subject; but he (Mr. Hawes) did not think it proper to answer it until the inquiry was terminated. When his noble Friend Earl Grey became Colonial Minister, in the whole of the nineteen colonies to which he had alluded there was an absence of popular self-control; and he introduced the Bill which was still before the House for the purpose of giving to the Australian colonies the benefit of local self-government; and that Bill contained powers novel and important, enabling the colonists to alter the mode of self-government provided by the Bill. Then, with regard to the Cape of Good Hope. The hon. Baronet had said that it had been left to Sir Harry Smith to propound a constitution for that colony, and the House would see, before long, whether that was a correct statement on the part of the hon. Baronet. The question for a constitution for the Cape was not under the consideration of the Governor alone. The most eminent colonial servants had submitted their views to the Home Government, acting in conjunction with the Governor. The colonists of New Zealand had had a constitution given to them, but the hon. Baronet said that it had been taken away by Earl Grey. [Sir W. Molesworth: It has been suspended.] It had been suspended because the Governor had taken exceptions to it, on the ground that the power of returning members to the legislative assembly was confined to a small number of the European population, while the numerous warlike and intelligent native tribes were not represented at all. Many of those tribes were progressing in intelligence, and objected to a small number of Europeans exercising the entire power of electing the representatives. That was the ground on which it was suspended, and because, if it been dogmatically persisted in, it might have had the effect of creating a civil war in the colony. There was another colony in which they had established something like a representation representing public opinion—he meant the colony of British Guiana. He was glad that in the Committee upstairs the hon. Gentleman the Member for Buckinghamshire had expressed views favourable to the institution of local self-government; and his views on that subject were adopted by the Committee, and to which he (Mr. Hawes) had readily assented. They would not be without practical results. But the hon. Baronet had charged the Government with neglecting economy in the administration of their colonial affairs. The hon. Baronet had run through several items of colonial expenditure, imputing mismanagement and extravagance to the colonial department, and he said that there had been a considerable increase in the taxation of many of the colonies, while nothing had been done to reduce the Government establishments. And he instanced Ceylon in particular, and said that the Governor of that colony had proceeded with precipitancy and haste in imposing additional taxation without attempting to reduce the expenses of Government. But even with respect to Ceylon there had been a local Committee sitting for the purpose of inquiring into the whole establishments of that colony; and under the administration of Lord Torrington, the expenses of that colony had been reduced prospectively from between 60,000*l.* and 70,000*l.* per annum; and yet the hon. Baronet had charged the Governor with precipitancy, haste, and incompetency. There were no grounds for making such a charge. The change of the system of taxation which had taken place in that colony, was one which was made for the purpose of reducing the burdens upon industry in the colony—a change for the purpose of introducing direct in lieu of indirect taxation; and he had to complain of the hon. Baronet for the off-hand and flippant manner in which, with respect to that subject, he had endeavoured to raise unjust impressions in the country. Then the hon. Baronet had alluded to the Kafir war. Soon after Earl Grey came into office, he selected Sir Harry Smith, as a person in every way competent to bring that war to a successful conclusion; and by the appointment of that gallant officer the expenditure had been reduced, compared with what it was. When he took the command, it was 70,000*l.* per month less. Sir Harry Smith was establishing local corps to prevent the expense and diminish the chances of future war, and he was at that time proposing to the ablest men in the colony to consider of a constitution for the future government of the colony; and some remarkably able documents, to which he had referred, had already been prepared and forwarded to the Colonial Office And yet the hon. Baronet raised without discrimination general objections to the government of that colony. He (Mr. Hawes) agreed with the hon. Baronet that it was not advisable to extend our territories in that part of the world; but he was surprised to hear such language coming from the hon. Baronet. He had from time to time, in his (Mr. Hawes's) hearing, quoted the opinions of Sir B. D'Urban on that subject, and had always expressed his approbation of the policy recommended by Sir B. D'Urban. The hon. Baronet had also charged the Government, and in harsh and unmeasured language, with reducing the West Indies to their present state of distress—he charged the Colonial Office with the ruin of the West Indies. He could well understand the hon Gentleman opposite (the Member for Inverness-shire) if he used such language and adopted such opinions; but how the hon. Baronet, who was a free-trader, and supported free-trade measures—how he who had supported the emancipation of the slaves, and the sugar Act of 1846—how he could bring such a charge against the Government, he (Mr. Hawes) could not understand, unless, indeed, he had changed his mind upon these questions. But he contended that the West Indies had not been reduced to distress by that policy. It was perfectly inevitable that at first free-trade measures should have an injurious effect upon the West Indian colonies. But those were measures which had made strong progress in the public mind, and which no Government could have long resisted. But he (Mr. Hawes) looked to free trade for the salvation of the West Indian colonies, and of that he found remarkable evidence, which would rebut the statement of the hon. Baronet. When he referred to the paper which had recently been laid on the table of the House, on the Motion of his hon. Friend the Member for Wolverhampton, of the imports from the British West Indies, Guiana, the Mauritius, and our possessions in the East Indies, he found there evidence of returning prosperity. He found the remarkable fact that the quantity of sugar in 1841, and from time to time from that period up to the present time, was increasing. From the West Indies he found the following was the state of the exports of sugar:—In 1841, it was 2,100,000 cwt.; in 1842, 2,100,000 cwt.; in 1843, 2,400,000 cwt.; in 1844, 2,400,000 cwt.; in 1845, 2,500,000 cwt.; in 1846, 2,800,000 cwt.; in 1847, 3,100,000 cwt.; and in 1848, it was 2,700,000 cwt. And when he included the East Indies with the West, and looked at the whole importations, he found a still greater increase. The quantity of sugar imported from the East and West Indies was, in 1848, 5,000,000 cwt. He would not admit, however, that the Colonial Office was solely responsible for this policy; but the returns showed, notwithstanding the effects of the change consequent upon free trade, that there were good grounds to hope that the free-trade policy would lead to a state of more healthy and permanent prosperity. He would now turn to the Australian colonies, and he would ask if any one could doubt that they were prospering? Let them take the population of New South Wales, and they would find an enormous increase. In 1838, the population was 97,000; and in 1847, it had increased to 205,000. In 1838, the exports were 800,000*l.*; and in 1847, 1,800,000*l.*, and the land in cultivation had increased from 92,000 acres in 1838, to 164,000 acres in 1847. In 1835, the wool exported was 411,600 lbs., and in 1847 it had increased to 22,000,000 lbs. In South Australia, the value of the wool exported amounted, in 1837, to 60,000*l.*, and in 1847 it had increased to 110,000*l.* These returns showed that there was a great increase of prosperity; and he hoped that free institutions would secure to those colonies still greater advantages. He did not deny that there were other and great matters connected with the colonies which required consideration; but he would ask whether it would be advisable to refer to a commission such as that proposed by the hon. Baronet such questions as those of the slave trade, free trade, and emigration? He believed the proposition of the hon. Baronet to be nothing but a dream and a delusion. He knew that the hon. Baronet had a sincere desire to promote the prosperity of the colonies; but the proposition before the House emanated from one of those peculiar prepossessions against the Colonial Office, which, having long dwelt in the mind, could not be got rid of in any other way than by an amateur commission. The proposed commission could not inquire into all these subjects within any reasonable time. But they were to inquire, also, into the acts of the Government. Now, that was a subject which deserved attention; and there was a Committee sitting upstairs already, which was considering that subject in reference to two colonies, but which had not concluded their inquiries. A Committee was sitting on the Ordnance Estimates, and was considering the expenditure of that department with reference to the colonies; inquiry was, therefore, going on. He thought the hon. Baronet had not looked into the subject with sufficient attention.

One great complaint was the military expenditure occasioned by the colonies; but it might well be doubted if it would be found practicable to suddenly reduce that expenditure. He did not mean to say that reductions might not be made; but he thought, on the whole, that no extensive or important alterations could be suddenly effected. He believed a large force was necessary, and that it was generally felt necessary for the protection of the highway of the seas; and that the trade of the country could not be carried on without it. It was, in point of fact, essential for the purposes of trade. There was not one single one of their colonies that was not asking for additional force; and why, he would ask, did they do so? [Mr. Hume: I suppose to spend British money there.] He denied that such alone was the fact. Their great object was to obtain British ships of war to give security to their trade in the surrounding waters, and not for the mere money that might be spent. It was for the great advantages which were secured in these parts of the world by the increased security which the presence of a force gave. The average expenditure for the force afforded for the aid of 31 colonies, as appeared from a return ordered on the Motion of the hon. Member for Montrose, was 760,000*l*., besides 239,000*l*. for the commissariat; that was to say, 1,000,000*l*. in all for the military force for the colonies. When he looked to Africa, the Mauritius, and New Zealand, and the West Indies, with their vast native population, he would ask them if they could speedily expect to have the force in those colonies reduced? They might be able to do so in the course of time, but it must be done gradually, and would be the work of time. The greater part of the expense was incurred in keeping up their military establishments in Canada, Gibraltar, the Ionian Islands, St. Helena, and Hong-Kong. The expenditure in pay for these establishments was 751,000*l*., and for the commissariat, 92,000*l*. The speech of the hon. Baronet that night was, in fact, in favour of abandoning the colonies altogether; but his speeches hitherto had been in support of an opposite policy. The question involved is, whether or not the colonial empire of the country was to be maintained; and he should like to know how that question could be decided by the five gentlemen who were to be made commissioners for the purpose. He had endeavoured to show to the House that the proposition was impracticable, and he could not help coming to the conclusion that it was a delusion; it was calculated to raise expectations which could not be satisfied; and would, if carried, paralyse a great department of the State, and raise expectations in the colonies which could not be realised. If it were agreed to, every possible grievance between the mother country and the colonies would be laid before the commission, and it would be an act of the greatest possible impolicy to trust to five gentlemen, presided over by the hon. Baronet, questions of such importance; and, if on no other ground, he called upon the House to reject the Motion.

Mr. GLADSTONE: Sir, I look to this question, not so much with reference to the precise terms in which it is worded, as to its general scope and object. With reference to the precise words, it might be supposed that this commission was to institute a minute inquiry into our colonial administration, and into any abuse or grievance which any of our colonies might complain of—in short, to institute a minute inquiry into the whole conduct of the Colonial Department. And the hon. Gentleman who has just sat down has taken advantage of this construction of the Motion. I think with him that if such were the object of the commission, the House would commit a great error if it was to address Her Majesty on the subject. But, if I understand the question aright, the object of the hon. Baronet is not to fasten charges on those who administer the colonies here or elsewhere, but its object is to come to some rule and principle as to the future administration of our colonial empire. Now, the hon. Gentleman the Under Secretary for the Colonies has, in a great degree no general objections to urge against such an inquiry, but he has rested his opposition to the Motion on what the present Colonial Minister has done for the Colonies. The hon. Gentleman has said on this point that Earl Grey has done more than any of his predecessors in extending institutions to the colonies, and that he has settled many questions which were of great importance on principles of local self-government. I am not going to enter into a consideration of Earl Grey's Government, upon many points of which there is a great difference of opinion: but I think that upon many points Earl Grey is equal to any, and on some points superior to many of his predecessors. I admit his unwearied industry, and the activity and watchfulness and general fitness of the agents whom he has selected to carry out his views and policy; yet I cannot hesitate to express my opinion that he has been led, in certain cases, into serious errors, which have greatly aggravated the difficulties of the question; and this House should take some means to prevent their recurrence. Now, Sir, it appears to me that, instead of resting satisfied, as is commonly the case, with leaving the question in the hands of the Government, we ought to consider whether we should not call in some other mode of inquiring into colonial matters, in order to endeavour to perfect our principles and policy. I think the time has arrived when such an inquiry ought to be instituted; and, looking to the scope of the Motion of the hon. Baronet rather than to the particular words of it, I must say I think the time has arrived when we should make such attempt. In the first place, we must consider the immense mass of business which the Colonial Secretary must look to in detail, and which cannot, like some of the business of other departments, be laid aside; and this vast mass of business must be looked to in detail at a great distance from the spot, and must depend upon partial information; and, from the frequent changes of Ministry which take place under our constitutional system, before a despatch is answered, a change of Ministry may take place. The Colonial Department has the conduct of correspondence with countries situated in every quarter of the globe, and I remember an instance in which, before the return of the post which conveyed a despatch, I was out of office. But, besides this, there is this farther difficulty with which the Colonial Minister has to contend in a greater degree than any other department—that in nine cases out of ten, it is impossible for him to draw the attention of Parliament to colonial questions. I say nine out of ten cases, because in the tenth the attention of Parliament is obtained, on account of party spirit, to certain colonial questions; but in that case the consideration of the question is embittered by British party spirit. If there were the same facility for drawing the attention of the House to colonial business, which there is with reference to matters connected with the Home Department of the Board of Trade, then things would be different; and it is this consideration which has brought me to the conclusion that, upon the whole, it is my duty, although I know how objectionable commissions generally are, to support the Motion. It would be, I think, the duty of the Government, if a commission of this kind were appointed, not to hold themselves to the very terms of the Motion of the hon. Baronet, *verbum in verbo*, but to issue instructions that would limit the operations of the commission, and mark and define its powers. The commission should be so appointed, with such a description of its ends and objects, and its reports should be presented within a reasonable time. There is an objection to such a commission, that it would diminish the responsibility of the Minister; but if the business of the Minister is too great, and being too great the responsibility is too large, and being removed from the common view, his responsibility in fact becomes no responsibility at all, for in the great majority of questions he cannot get the means to consider the question until the evil is gone by, or interfere until the proper time for interference is passed, the argument with respect to the diminution of responsibility loses a great deal of its force. I may here call attention to the significant fact, that the Government have themselves already made an arrangement that involves the objection to this commission. The hon. Gentleman the Member for Kinsale objects to the commission on the ground that it would receive from the Secretary for the Colonies, or from the Under Secretary for the Colonies, the weight of Parliamentary responsibility; but the same objection applies to the Committee of Council. Even though that Committee of Council were composed entirely of Members of the Administration, the objection would still apply in a considerable degree; but when that is not the case, I ask the hon. Gentleman whether the objection he now takes to the appointment of five gentlemen, whose images he sees in the distant prospective, does not apply to the Committee of Council which has been the object of his praise? Sir James Stephens is a member of that Council, but he is not a political officer. I believe there are other gentlemen members of it who are not political officers; and in the same category would be the five gentlemen who would compose the commission, in pursuance of the Motion of the hon. Baronet. The essence, therefore, of the objection of the hon. Gentleman is equally applicable to the Committee of Council. But I do not make that as a charge against the Committee of Council; I do not want to blame him for appointing the Committee of Council; but I do think there is a *primâ facie* objection to it, because there is a frank confession on the part of the Government that the Minister wanted extraneous aid to discharge his duty; and the principle being admitted, the question is as to the best mode and form of giving that extraneous aid. I will not say that extraneous aid should be given with respect to all the duties of the office of Colonial Secretary, but there are a great number of questions in which that aid might be given by a commission appointed by the Executive Government, and acting in harmony with it, and having its duties so distributed that we might be assured that the results of its labours would be presented in reasonable succession, and within reasonable times. I think I am bound to point out that these are fit subjects for the inquiries of this commission —subjects for the consideration of which some of the most able men should be chosen, who would deal with them irrespective of all party consideration, and by that means we might obtain results that would afford us great assistance, and be a guide to us in our deliberations. Although it is our general rule to transact business without the aid of a commission, yet cases have happened where we have recognised it as a sound principle, that when the business of a particular department is too large to be coped with by that department, we should call in the aid of a commission. The poor-law difficulty was not dealt with by the Secretary of State, but by a commission. When you had your plan of church reform, you appointed an ecclesiastical commission to inquire into the reforms that ought to be made, and Parliament acted upon its views. I think the appointment of commissions for extraordinary purposes, under circumstances of peculiar difficulty, is a reasonable plan, and one that has abundant sanction from former precedent. The hon. Gentleman the Under Secretary for the Colonies has made reference to two reports of Committees, one with respect to Ceylon, and the other with regard to Guiana. As the hon. Gentleman the Member for Montrose has promised us a separate discussion on the affairs of Guiana, I will not go into that case; but I must say, referring to the report of that Committee, that the course recommended by the Committee is materially different from the course taken by Earl Grey. There is a difference between them with respect to the reduction of the salary of the Governor; and the result of the labours of the Committee would be to modify materially the policy of the Colonial Office, in regard to British Guiana. That, I think, is another argument in favour of the institution of this Committee. The hon. Gentleman has certainly shown that there are some questions which are not subjects of inquiry by this commission. He referred to the discontent in the West Indies, and he asked, will you propose that the commission shall inquire into the cause of discontent in the West Indies—he said that discontent has its foundation in the policy of free trade; and I ask, will you allow that policy to be considered by the hon. Gentlemen forming this commission; and the hon. Gentleman said he protested against that. I agree with him, and I think the hon. Gentleman behind me will agree with him, that the policy of free trade ought not to be considered by any five gentlemen who sit on a commission of this kind. I at once concede that there are many questions connected with the colonies, particularly where questions of imperial policy are involved, that ought to be sedulously excluded from this commission. I consider that we ought to have the power of limiting the inquiries of the commission, and that it should not be a general commission for the examination of all sorts of complaints, because such complaints exist. It is my duty, and the duty of those who are prepared to support the Motion, to show there are cases where the labours of such a commission might be of service. In the first place, it would be most useful that a body of well-selected gentlemen should consider what are the general rules that should be followed in the establishment of new colonies. There is no remission from the pressure of constant business on the Colonial Minister, and when such a proposition comes before him, he must view it with its entire details. I will give you an instance of the difficulty that may arise in such a case. When Lord Stanley was in office, that noble Lord, in conjunction with the right hon. Member for Ripon, proposed to establish a new settlement in the north part of Australia, and the public were put to an expense of 14,000*l.* or 15,000*l.*; but when Earl Grey came into office, he was of opinion that it was not expedient to go on with the settlement, and it consequently was abandoned. There should be some change adopted for binding a decision when come to, and that would give Parliament a voice in the question. Then there was another case, the case of the Auckland Islands, in which several successive Secretaries were of opinion that it was not necessary to sanction the establishment of a new settlement; but Earl Grey thought differently, and gave his sanction to it. I don't know that such a question as that is one that can be well referred to the discretion of Parliament, but I think it would be possible to lay down general principles applicable to such cases, which would assist the Colonial Minister when right, and keep him within bounds when he was wrong. There is another case that was the subject of a lengthened discussion last year, and I am sorry it must be the subject of another lengthened discussion this year —I mean the case of Vancouver's Island. That case, taken alone, is quite enough to show it is absolutely necessary that some measure should be taken for the purpose of checking the arbitrary will of Colonial Ministers with respect to unoccupied territories. I think it is too much to say that the fate of a large portion of the surface of the earth, which, according to the view of several Members of this House, should be considered of great value with respect to their prospective social capabilities, should depend upon the will of any man who may condemn them to perpetual sterility, or within one degree of it. There is also the case of Jamaica, which should undergo the review of able and impartial men appointed for the purpose. [Mr. HAWES: Of the Committee of Council.] The hon. Gentleman says, " Of the Committee of Council;" therefore he agrees with me as to the necessity of such an inquiry. I am glad to find the question between us is not the broad question of principle, but merely the question of detail as to whether the best mode of settling the question is by a Committee of Council or by a commission. Then there is the New Zealand question, with respect to which it would be most valuable to have such a body of rules prepared as the ability of the gentlemen composing the commission would enable them to lay down. It is not without some pain I refer to the history of these transactions, and to the position in which the Government and Parliament are placed in reference to the granting of free institutions to New Zealand. At the end of the Session of 1846, a Bill was passed with great precipitancy to enable the Queen to grant a representative constitution to New Zealand; but it was so framed that the very first step of Parliament in the ensuing Session was to retrace its own steps, and cancel its own doings by suspending for a number of years the constitution they granted, and, for all practical intents and purposes, to delegate to one man—a man, I admit, worthy of all respect—the whole authority of Parliament. The result of that, I am afraid, is very great discontent amongst the settlers of a portion of New Zealand. I heard with great pain a petition presented to-day on this subject. It is a marvel and mystery to me why the people of Wellington and that portion of New Zealand should not have been presented long ago with free institutions. If they were ready for them before, they cannot have absolutely retrograded; and yet their allegation is, that not only have no free institutions been granted to them, but there is only a hope held out that in the course of four years they may be granted to them. Now, in considering this question, we should not consider the concession of free institutions as some very great gift from us to them, but we should consider that when we are giving them free institutions, we are doing the greatest grace and favour to ourselves, not only on account of considerations of public economy in this country, which is closely connected with the improvement of our colonial system, but because it is our interest to give them strong and healthy powers of self-development; and where we wish to have it, we can only bring it out by enabling the people to learn by practice the management of their own affairs. With respect to the case of New Zealand, we should never have permitted those zigzag proceedings—this rapid advance, followed by as rapid a retreat—this stultification of ourselves; and the Secretary of State, instead of being at liberty to concoct a system of colonial philosophy for himself, should have been able to refer for information to a body of men chosen by the Executive Government—information which I am sure they would be able to furnish to him. I do not know whether my feelings may be shared by Gentlemen on the opposite side of the House; but next to my desire to see the powers of the colonists enlarged where it may not be impolitic, is my anxiety to see them restrained from managing affairs not their own. I want to have a sound definition of those questions that are imperial questions, and careful provisions laid down for the purpose of reserving those questions for our discretion. I am now referring to what has occurred in Canada; and I regret there was not such a distinction laid down there in reference to imperial and colonial questions. My doctrine is, that such questions should be inquired into and clearly defined. I don't say that human foresight would be able to cover every imaginable case that might arise; but with respect to colonial and imperial questions I would define the exact line. That is done in America by the line that is drawn between the federal and the general government. We should consider this question in connexion with the financial condition of the country. How often does it happen that the desires of the people, however widely extended, for the reduction of taxation, are of necessity met by the Chancellor of the Exchequer assuring us with all sincerity and gravity that the necessities of the public service absolutely demand such and such expenditure, and prevent him from making the required reductions. I think it is material, though I don't hold it out as the first object of our policy, that we should consider whether the system of military defence carried on in the colonies is not needlessly expensive; and I don't see why great good might not be done by a commission on that point. There is the case of the Cape of Good Hope and the Kafir war, where a million and a half of money was virtually spent, or the obligation to pay it contracted, before Parliament heard a word on the subject. I don't say a commission would meet all the difficulties; but a commission would do this—it would materially assist us in laying down sound rules and principles for the defence of the colonies. I am sorry to hear the hon. Under Secretary of State speak with so much disparagement of the former colonial system before the independence of the United States; for such was the spirit of freedom in that colony, and such was the colonists' sense of competency not only to govern but to defend themselves, that they were not, as the hon. Gentleman says the colonists are now, perpetually besieging us with demands for more troops and ships of war, and with complaints when the troops and ships of war are withdrawn; but with them it was a question of jealousy to have to provide for the permanent maintenance of British troops within the colony, because they held they were able to protect themselves. This subject is worthy of inquiry, and of much more inquiry than the Secretary of State can give it. I will refer now to another case which appears to me to be a proper case for the examination of a commission—that is, the relation between our colonists and the aborigines with respect to their boundaries; and without imputing any fault to the Colonial Office, for I do not think the root of the evil is in the Colonial Office, but outside of it, there have been in some cases instances of vacillation and change, of capricious change, having no reference to reason, but merely to accidental circumstances, which are most discreditable. I take the case of the Cape, and see what have been the changes of policy with respect to the Cape. Some years ago, a coercive policy was enforced, and it was resolved to effect the repression of the Kafir tribes with a strong hand. In the year 1835, philanthropy was at high-water mark, and the Colonial Office was obliged to give in to those who wished to go the greatest length in favour of the aborigines. The consequence was, that the stringent system was given up, and a great portion of territory was abandoned. And what is now the case? For some years philanthropy, instead of being at high-water mark, has been at low-water mark, and has not interfered inconveniently; and philanthropy being, it is said, at a discount, very short work has been made with the Kafirs; the policy of territorial aggrandisement has been pursued to an extent exceeding all example; and we have not only undone all we did when we gave up the ceded territory, but likewise we have made enormous additions to it. Now, that case might be inquired into by such a commission as that proposed. I will not pass by the relations we have with the aborigines without adverting to another most singular case. In the year 1840, the Treaty of Waitangi was entered into without a dissentient voice. It recognised the rights of the aborigines, and even went something beyond what sound reason might suggest; but that Treaty of Waitangi has since been disparaged in public despatches. I do not ask the House to decide whether the Treaty of Waitangi was right, or whether the principles laid down by Earl Grey, in 1846, were right, but I say both were not right; they are in diametrical opposition to each other, and it is not for the honour of the country, when dealing particularly with aboriginal tribes, that their policy should be marked with such vacillation, for it leads to imputations of bad faith; but if we had the assistance of such rules as a well-chosen commission would lay down, we could never get into such difficulties, because a uniform course would be pursued by the Government from the first to the last moment of the transaction. I am now speaking of the relations of the aborigines with respect to land; but there is another question to which I must request the attention of the House, and that is, the management of the land after it has been acquired by the Crown, and regularly constituted colonies have been established. In the year 1842 the Land Sales Act was passed, and that Act has been the cause of discontent in New South Wales. It passed through the House of Commons without attracting the attention that such a measure deserved. That was no fault of the House of Commons, for it was occupied at the time by other matters which were more imperative; but it was a great misfortune that such a question should be dealt with in such an off-hand manner, because we are at present entirely at sea with respect to that Act. I do not believe that the hon. Gentleman the Under Secretary of the Colonies approves of that Act, and from his speeches I think he would wish that Act was at the bottom of the sea. We are at a loss to know who should have the control of that wild land. We are in uncertainty about it, and the consequence is, inequality in our dealings and the appearance of injustice. New South Wales, though not so populous as Canada, contains about 200,000 of our fellow-subjects, men of the same race and blood as ourselves, and they are under the absolute and unmitigated control of this Act of Parliament, though they believe almost without a dissentient voice that the impolicy of that Act is actually ruinous to them. We might come down here, and say they are all wrong and we are right; but do we hold that doctrine? Are there five men amongst those who hear me who have a fixed conviction that the price of wild land in New South Wales ought not to be less than 20*s.* an acre? The Act is entirely a dead letter so far as we are concerned; but although it is a dead letter to us, it is as a yoke of iron to them, restraining their freedom of action in matters in which they feel deeply interested. There is another question upon which a commission such as that proposed by the hon. Baronet would perhaps render some assistance to the Colonial Office; that is, the question of transportation. I know not what we are to do with that question in connexion with the existence of free institutions in our colonies. I hope, however, to hear the deliberate opinion of the Government upon that subject when we come to discuss the Australian Bill. It is a problem which perhaps nobody will be able completely to solve. While I think that the labours of the commission would not perhaps give entire satisfaction to all parties, still I cannot help thinking that the labours of a commission judiciously applied to the question of transportation, would have saved us from a great deal of that vacillation which has aggravated considerably the difficulties of dealing with the subject by successive Secretaries for the Colonies. I do not blame any individual for this. I think that it is the result of the system of a sort of hand-to-mouth legislation, which has for so long a period existed with respect to the colonies. I do not think it would be possible for a commission to deal simultaneously with the whole of these objects; but I think that its labours might be devoted to some of the questions which press most heavily upon the colonists. Upon the whole, I am satisfied that such a commission, appointed with the care which you would exercise in its appointment, would be a most material aid and assistance in the discharge of the duties of the government of the colonies. Such being my opinion, I cannot hesitate in giving my support to the Motion of the hon. Baronet. I hope that we have all the same end in view. What we have to look at is the good of the country and of the colonies. If we direct our minds steadily to the promotion of the good of the colonies and of the people of the country in relation to them, we need not fear our connexion with the colonies. Upon the contrary, I believe that would be the way to maintain our connexion with them, and to maintain that which I believe is even more important than the mere political connexion between the colonies and this country—namely, the love of the colonies for this country, and a desire to imitate the laws and institutions of the great country from which they spring.

Mr. LABOUCHERE felt satisfied that upon the grounds put forward by the hon. Baronet the Member for Southwark, who brought forward this Motion, it would be impossible for the right hon. Member for the University of Oxford to concur in the

Motion. The hon. Baronet who opened the debate allowed that his Motion was nothing less than a vote of censure upon the whole colonial policy of the British empire. He thought that nothing could be more impolitic than the expression of such an opinion by the House of Commons. Nothing could be more unjust than that sweeping censure, and he was sure that the right hon. Gentleman would not declare that he supported the Motion on that ground. It was impossible to deny that grave errors had at various times characterised our colonial policy, but he denied that the system on which our colonies were founded was tinctured with ignorance and malevolence. Looking to the happiness which prevailed in most of our colonies, there was no reason to regret the manner in which they had been founded and sustained. The hon. Baronet the Member for Southwark proposed to refer all the most important points of colonial policy to a commission, to be composed of one Member from each quarter of the House, with Mr. John Stewart Mill as arbiter. But, if the commission was to represent Parliament, why had not the House of Lords a representative in it? He objected to the delegation of such important functions to a commission, on the ground that it was unconstitutional in principle. The great questions which it was proposed to refer to the commission, ought to be solved by the Ministers of the Crown, who were responsible for the advice they gave. If the Colonial Secretary were desirous of shirking responsibility and saving himself trouble, he could desire nothing better than the appointment of the commission. He could not understand from the speech of the right hon. Gentleman the Member for the University of Oxford, whether he wished the commission to be a standing one to which all cases should be referred as they arose, or whether he desired a commission to be appointed for special purposes. If the latter, the proposition would not be liable to much objection, for there were some questions, such as the management of wild lands and the relations between colonists and aborigines, which might advantageously be referred to a commission. The important question of the institutions to be given to Australia, and also, he believed, that of the institutions proposed to be given to the Cape of Good Hope, were referred to the Council of Trade and Plantations. All those questions could be considered with advantage by a body of that description, and useful assistance might be thereby given to the Secretary of State; but that was altogether different from a body of commissioners, independent of the Government, to whom such questions should be referred. The right hon. Gentleman said he thought it would be desirable if the commissioners had to decide upon what questions were imperial and what belonged to the local responsible government; and that if such a rule had been laid down, there never would have been any dispute with respect to the question that had lately been discussed as to Canada. It appeared to him that the right hon. Gentleman could not have quoted a stronger argument to show how impossible it would have been for the commissioners to decide any questions of that kind. He thought the Executive Government might, and were bound in extreme cases, to interfere as to the limit of imperial or local authority; but to lay down general rules to define questions of that kind, was utterly impossible; and no better illustration of that could be given than the case of Canada, to which the right hon. Gentleman referred, where the rules which would have done for Upper Canada, would not have been applicable to Lower Canada. Objecting as he did to this Motion, he hoped he should not be understood as saying that he did not believe great improvement was not required, and might not be effected in our system of colonial government. He believed that we were fast coming to the conclusion that the only real and solid ties between the mother country and the colonies must be mutual affection, interest, and good government, and, as far as possible, freedom. He was satisfied that his noble Friend at the head of the Colonial Department was most anxious to act upon those principles as rapidly as he could; but, considering how our colonies were scattered over the whole world, it was impossible to lay down general, abstract, and inflexible rules for all. The Motion of the hon. Baronet would, he was sure, if agreed to, end in disappointment, proposing as it did the establishment of a body half executive and half legislative, and from the deliberations of which no good could follow to the country, and the effect of which would be to suspend all improvement in the condition of the colonies while the inquiry was being proceeded with.

MR. GLADSTONE said, in explanation,

that he did not contemplate a standing commission, but merely one of inquiry.

Mr. F. SCOTT expressed a hope that the hon. Baronet who had brought forward the present Motion, would be more successful in it than he had been in a similar Motion last Session. The grounds upon which legislation was proceeded with, appeared to be such as were not distinctly understood or stated. He contended that the Executive Government was responsible for the government of the colonies. All the circumstances connected with the passing of Acts relating to the colonies, proved what he had stated, that the Executive Government of this country was responsible for their management. As to the allusion made by the hon. Under Secretary for the Colonies to the policy of Sir Benjamin D'Urban, he believed that Sir Benjamin D'Urban's policy was not one for an extension of territory, but was rather directed to the preservation of those territories which they had already possessed, and to the encouragement and extension of their trade. For the reasons he had stated, he would support the proposition of the hon. Baronet.

Mr. ADDERLEY did not think that the answer given by the hon. Under Secretary to the Colonies to the speech made by the hon. Baronet the Member for Southwark was such as to give much satisfaction. He was of opinion that the success of the theories of the noble Earl the Secretary for the Colonies was not such as to encourage him to persevere in the course that he had heretofore pursued. The objections that had been made to the proposed commission, were such as would hold equally good against a commission on the subject of the poor-laws, or any other subject of an extensive character. A commission was only called in upon an extraordinary emergency like this, when it had to deal with large principles and great measures. In opposing the simple proposition of the hon. Baronet, the hon. Under Secretary for the Colonies had offered no alternative. The subject here was highly important, and he could see no reason for refusing the commission asked for. The importance of the subject was beyond all dispute, and the demands of the colonies were so loud and so general that it was impossible but something of the kind proposed by his hon. Friend must soon be adopted. The English having been always accustomed to self-administration, would always look to it as their birthright, and would never be satisfied without it. He thought that there could be no doubt but they had been proceeding upon a wrong principle with their colonies, and they would be soon compelled to alter it. They were nationally interested in proceeding upon a wide field for emigration. This inquiry was, therefore, immediately necessary, and he was most willing to accept the proposal of the hon. Baronet.

Lord J. RUSSELL said, that the hon. Baronet who had proposed the Motion had proposed it in terms which might induce many Members in that House, of various opinions, to join in asking for the appointment of a commission, because it was to be appointed for the purpose of inquiring into the administration of Her Majesty's colonial possessions, with a view of removing the causes of colonial discontent, diminishing the cost of colonial government, and giving a scope to individual enterprise in the matter of emigration. It was evident that there were causes for colonial complaint, and also that every hon. Member who thought that there was a particular complaint or cause of complaint with respect to the treatment of any colony, would desire to have those causes inquired into—to diminish the cost of colonial government, which had always been a popular subject with Gentlemen sitting near the hon. Mover—and to give a scope to individual enterprise in the business of colonisation. The hon. Baronet had therefore framed his Motion with the view of obtaining considerable support in that House. But when he (Lord J. Russell) endeavoured, in the progress of the debate, to catch some definite object which this commission was to attain, he confessed he found himself at a loss. Commissions had been appointed for special objects—to inquire, for example, into the abuses of the poor-law, and suggest a remedy—to inquire into matters connected with the Church, and suggest alterations. Commissions had been appointed on various other subjects, in order that upon the whole scope of their examination into them, they might suggest such measures as might be available to remove the cause of complaint. But a commission which was to investigate the proceedings in all our colonies, with their various constitutions and customs, and various races of inhabitants—to inquire into the causes of complaint in each—to proceed after that inquiry to settle what would be the best means of defence of each of our military and other colonies—to lay down plans of colonisation—that appeared to him to be an inquiry so vast, and leading into such a multitude of details, that he could not imagine any commission would have the power of entering upon it. As regarded the point whether this was to be a standing commission, the right hon. Gentleman the Member for the University of Oxford said that that was not his intention; but considering the subjects for inquiry, the probability was not very apparent that even in the lifetime of the youngest Member of that House, the commission would terminate its labours. The hon. Member for Southwark declared that if the House agreed to the commission, they would pass a vote of censure upon the colonial policy of this country for the last three-quarters of a century. The right hon. Gentleman the Member for the University of Oxford, however, did not seem to entertain that idea with respect to the general colonial policy, but appeared to think, nevertheless, that great errors had been committed; and he also appeared to hold an opinion which could have been scarcely expected to be found in one conversant with the business of that House, namely, that if five persons were collected from different sides of the House, with one to superintend and arbitrate among them, some certain and infallible rule of wisdom in colonial matters would be obtained. That seemed, however, to be somewhat of an Utopian attempt. The hon. Baronet said that there was another object in the appointment of commissioners—that they might define what colonies were, what was the meaning of the word colony, and what object a country ought to have in founding a colony. This, again, was a question of an entirely abstract nature, for which it was hardly necessary to appoint a commission. But that which appeared to be entirely fatal to the proposed commission was, that there was such a multiplicity of subjects to inquire into, that it would be impossible to come to any rational conclusion upon any of them. And if the commissioners were to attempt to carry on the ordinary business of administering the government of our colonies, then there must at once be an interference with the Executive Government of the country. The hon. Baronet enlarged upon the fairness with which the commission was to be composed, stating that there was to be the Under Secretary for the Colonies in the first place; that the right hon. Baronet the Member for Ripon, or the right hon. Gentleman the Member for the University of Oxford, or the noble Earl the Member for Falkirk, should be the second Member; that some Gentleman belonging to the protectionist party should be the third; that one of his own friends should be the fourth; and that some learned author, such as Mr. John S. Mills, should be the fifth. These were to be the members of a commission which was to give an opinion upon all subjects of colonial government, colonial grievances, and colonial policy. As his hon. Friend the Under Secretary for the Colonies had said with respect to the causes of the complaint which had been heard during the last two years, if not longer, those causes of complaint were diverse. The cause of complaint in the West Indian colonies was, that the system of protection, which alone had enabled them to flourish, had been taken away, and that they had thus been deprived of the means of cultivating their estates, and obtaining a profit from their capital. Then that would be one of the first subjects for the commission to inquire into; and here he feared the protectionist member of the commission would find four to one against him, and so there would be an end for ever of that loudest of the outcries on the subject of colonial government. Let the House consider what was this system, as it was called, of colonial government which the hon. Baronet thought so vicious and so mischievous that it was necessary to have a decision of the House upon it, not as regarded the administration of that system by the present Government, but upon the whole of the policy of many successive Governments. If he took instances of the growth of only one or two of these colonies, he found, by a late publication, that in Lower Canada the population, which in 1825 was only 423,000, had increased in 1848 to 756,000; that in Upper Canada, the population, which in 1824 was 151,000, had increased in 1848 to 723,000: so that the two provinces now united, which in 1824 contained about 570,000 persons, now contained about a million and a half of inhabitants. Was that a proof of the misgovernment or of the slow growth of the colony, that it should have increased so much in population in the course of these twenty-four years? He would next advert to one of the Australian colonies. Take the population of New South Wales, including Port Phillip. In 1837 the total population was 85,000, but in 1846, nine years after, it had increased to 196,000;

and he believed that by the latest accounts it had been found to exceed 200,000 persons. If he looked into other details, he found similar indications of increase. The imports of New South Wales had increased from 1,300,000*l.* in 1837, to 1,600,000*l.* in 1846; while the exports had increased from 760,000*l.* in 1837, to 1,481,000*l.* in 1846. Here was an increase in the population and wealth of two colonies only to which a parallel could scarcely be found in the history of colonisation. He asserted, then, that there was some presumption in favour of that system which the House was now called upon to condemn. Let the House observe in what way this commission was to proceed, and what was the position of our colonies. The hon. Baronet, in the indulgence of his imagination, was pleased to suppose Her Majesty's Government, or the majority in this House, or somebody or other in this country, to be unfavourable to the extension of freedom in our colonies. There was no such hostility as the hon. Gentleman supposed. Regard the actual condition of the colonies. The North American colonies had free institutions; and the Government were told the other day that they had done wrong in agreeing to a law which had passed through the Legislature of one of those colonies, and that they ought by the imperial authority to have interfered. Therefore, there was no complaint against the Government that they did not allow full freedom to Canada. Nova Scotia and New Brunswick, Jamaica and the older West Indian colonies, had the same free constitution, and it was now proposed to introduce still further freedom. What, then, was this commission to inquire into? If it proposed to limit the freedom of the colonies, they would resent the interference, and any attempt to restrict colonial liberty must necessarily lead to fresh complaints from those colonies. With respect, then, to one of the points which the right hon. Gentleman the Member for the University of Oxford considered one of the main subjects for inquiry, the commission was stopped at once in inquiry by the fact of these colonies having already liberties which could not be amended, and which the commissioners would not attempt to prevent. But upon the general principle, he should be little disposed to recommend to the adoption of the House the appointment of any commission whatsoever which was to lay down rules for the limitation of the imperial authority on the one hand, or of colonial liberty on the other. The best way to preserve those limits was to use forbearance on either side—to consider each question that arose upon its own proper merits—so that, on the side of the colony, there should be no desire to put forward unreasonable demands; and, on the part of the Imperial Government, no wish to restrain any freedom the exercise of which was beneficial to the colonies. If this disposition were preserved, no question could arise calculated to excite bitterness and hostility. But if rigid and fixed rules were to be laid down, the very interpretation of those rules must lead to disputes; bitter feelings would be excited; and, so far from putting an end to the difficulties, that very provision for so doing would increase them. If this commission was to exist for only a short time, it could not lay down rules which would be of any value. By the rules of the ancient constitution of this country, and by opinions held so far back as the reign of Charles II., if there were freedom at all in a colony, it ought to have its council and its representative assembly, and a governor representing the Crown. That was the constitution, generally speaking, for the colonies; and if they had that, all other rules would follow from such a constitution. But if he found that in Australia, for instance, an opinion prevailed for an assembly, partly composed of the nominees of the Crown, and partly of the popular representatives, he would rather see that form working harmoniously and with the consent of the people, than enforce one upon them which was repugnant to their feelings. His belief was, that all questions of administration were to be decided in the first place by having certain fixed principles; but, in the next place, by not using those principles as invariable rules, but by adapting them to the circumstances of the country in which those principles were to be applied. No man who had considered politics had come to a different conclusion. The man who perhaps had written with the most force, with almost mathematical precision, and with the greatest beauty of language, on questions of politics, declared at the end of his life, that politics, after all, was but the science of circumstances and modifications; and that the particular questions to which rules were to be applied, and the particular countries in which laws were to be introduced, were to be considered by the statesman, and not solely according to any abstract theory. If he was right in this, there would be little use in appointing this commission for the purpose of laying down abstract rules for colonial government. Abstract rules, moreover, laid down for some thirty or forty colonies, inhabited by different people, and acting according to different customs, must fail of their intended effect. He could not conceive how the House would obtain any satisfaction, or that responsibility to which they were entitled, if they were to have a commission appointed to give an opinion on these multifarious questions. If the Secretary of State differed from these five gentlemen, they would have no responsibility, and the Government would have none, and all responsibility would vanish between them. There being so many difficulties in colonial government, and so many questions upon it having arisen of late years, he could not wonder that the present Motion should have found favour in that House. It would, however, have been a different matter if a commission had been proposed to inquire into some particular question, such as, for example, that of the waste lands. Questions of this nature were fit for a commission, and upon such he should not interpose any opposition; but with regard to the general colonial government, in his opinion, it was better to leave it to be dealt with by the responsible Ministers of the Crown, subject afterwards to the control and supervision of Parliament. That was the free constitution of this country. Then he was told it was inconvenient to have changes of policy. That was true. There was no chance more inconvenient than a change in our foreign policy. A change in the opinion of that House, which made it necessary for the Minister for Foreign Affairs to resign, brought another Minister into that department, though there was no part of our policy in which it was more important to have a steady political bearing. The Emperor of Russia had a great advantage in this respect, because, from the year 1815 to 1849, he had but one Foreign Minister, who had held continually the same language, followed the same policy, and treated all foreign Powers according to that invariable and unchangeable policy. He had thus a great advantage over us in this. The case was similar with regard to our colonial policy. And if it were the case with regard to our colonial and foreign policy, so it was with many other departments of the Government of this country. But if we meant to have a free and not a despotic Government, we must be content to pay this price for the advantage. We must not think, by setting up four gentlemen of different politics, perhaps, and one learned umpire, who had possibly written upon political science, to ensure that stability and that unchangeableness of character which did not belong to the character of our institutions, but which were properly applicable to arbitrary and despotic governments, and which, moreover, we could not attain without sacrificing that which we prized more dearly than the advantage now sought for. He said, then, that the best thing the House could do with regard to colonial policy—having in a great degree departed in the last few years from the ancient colonial policy of the country—was to enlarge the freedom of the colonies, and to give them greater powers for governing themselves. It was not to be supposed either, that a Colonial Secretary, or a commission sitting in some other street than Downing-street, could, at such a distance of place, govern in a manner the most satisfactory to the colonies. It was to the operation of the principle of self-government that he trusted for the future prosperity of the colonies. By so doing, no new principle would be introduced. No principle would be introduced at variance with our free constitution. There would be nothing to lead to discord in the Executive Government; but we should be resting upon the ancient principles of colonisation which our forefathers adopted, and be acting in conformity with the constitution that we prized in this country, and which attached our colonies to this country as an example of freedom.

SIR W. MOLESWORTH, in reply, said, he did not insist upon the exact terms of his Motion. If they were too comprehensive, he was willing to modify them, so that the object would be more clearly defined. He really believed that such a commission would be a public advantage both to the colonies and the mother country.

Question put.

The House divided:—Ayes 89; Noes 163: Majority 74.

List of the AYES.

Adair, H. E.
Adderley, C. B.
Alcock, T.
Baillie, H. J.
Bankes, G.
Barrington, Visct.
Berkeley, hon. G. F.
Blair, S.
Brackley, Visct.
Bright, J.
Broadwood, H.
Bromley, R.
Brown, W.
Burrell, Sir C. M.

Clay, J.
Cobden, R.
Cochrane, A.D.R.W.B.
Cotton, hon. W. H. S.
Dodd, G.
Douglas, Sir C. E.
Duncan, G.
Duncuft, J.
Dundas, G.
Du Pre, C. G.
Fagan, W.
Floyer, J.
Fox, W. J.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Gordon, Adm.
Greene, J.
Grogan, E.
Haggitt, F. R.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Horsman, E.
Johnstone, Sir J.
Kershaw, J.
King, hon. P. J. L.
Legh, G. C.
Lincoln, Earl of
Mangles, R. D.
Marshall, J. G.
Miles, W.
Milnes, R. M.
Moffatt, G.
Monsell, W.
Moore, G. H.
Mowatt, F.
Napier, J.
Osborne, R.
Palmer, R.
Pearson, C.
Pechell, Capt.
Pigott, F.
Pilkington, J.
Portal, M.
Powlett, Lord W.
Rendlesham, Lord
Repton, G. W. J.
St. George, C.
Salwey, Col.
Sandars, G.
Scott, hon. F.
Seaham, Visct.
Sheridan, R. B.
Simeon, J.
Smith, J. B.
Smollett, A.
Stafford, A.
Stuart, Lord D.
Sturt, H. G.
Sutton, J. H. M.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Tollemache, hon. F. J.
Trelawny, J. S.
Walmsley, Sir J.
Walpole, S. H.
Walter, J.
Wawn, J. T.
Whitmore, T. C.
Wodehouse, E.
Wood, W. P.
Wortley, rt. hon. J. S.
Wyld, J.
Wyvill, M.

TELLERS.
Molesworth, Sir W.
Hume, J.

List of the NOES.

Abdy, T. N.
Acland, Sir T. D.
Anson, hon. Col.
Bagshaw, J.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Baring, T.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Blackall, S. W.
Blake, M. J.
Boyle, hon. Col.
Bramston, T. W.
Brand, T.
Brockman, E. D.
Brooke, Sir A. B.
Brotherton, J.
Bruce, C. L. C.
Bunbury, E. H.
Burke, Sir T. J.
Butler, P. S.
Buxton, Sir E. N.
Campbell, hon. W. F.
Cardwell, E.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, W. G.
Chaplin, W. J.
Charteris, hon. F.
Cholmely, Sir M.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Colvile, C. R.
Corbally, M. E.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. B.
Curteis, H. M.
Dalrymple, Capt.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, J. E.
Duff, G. S.
Duff, J.
Dundas, Adm.
Dundas, Sir D.
Dunne, Col.
Ebrington, Visct.
Enfield, Visct.
Estcourt, J. B. B.
Evans, W.
Fergus, J.
Ferguson, Col.
FitzPatrick, rt. hn. J. W.
Foley, J. H. H.
Fordyce, A. D.
Fortescue, hon. J. W.
Freestun, Col.
Frewen, C. H.
Graham, rt. hon. Sir J.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Hallyburton, Lord J. F.
Hanmer, Sir J.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcoat, J.
Heathcote, G. J.
Henley, J. W.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, J. L.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, Sir R.
Inglis, Sir R. H.
Jervis, Sir J.
Keppel, hon. G. T.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lemon, Sir C.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Locke, J.
Lockhart, W.
Mackinnon, W. A.
Magan, W. H.
Mahon, The O'Gorman
Mahon, Visct.
Maitland, T.
Martin, S.
Matheson, J.
Maule, rt. hon. F.
Milner, W. M. E.
Mitchell, T. A.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, J.
O'Brien, T.
O'Flaherty, A.
Ord, W.
Oswald, A.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Perfect, R.
Power, Dr.
Price, Sir R.
Pusey, P.
Rawdon, Col.
Reynolds, J.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Smith, rt. hon. R. V.
Smith, M. T.
Somerville, rt. hn. Sir W.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, Lord J.
Sullivan, M.
Talbot, C. R. M.
Talfourd, Serj.
Tennison, E. K.
Thorneley, T.
Tollemache, J.
Towneley, J.
Townshend, Capt.
Tynte, Col. C. J. K.
Vane, Lord H.
Verney, Sir H.
Vivian, J. H.
Watkins, Col. L.
Wellesley, Lord C.
West, F. R.
Willcox, B. M.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.

TELLERS.
Tufnell, H.
Hill, Lord M.

The House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, June 27, 1849.

MINUTES.] NEW WRIT.—For the City of London, *v.* Lionel Nathan Rothschild, commonly called Baron Lionel Nathan Rothschild, Steward of Chiltern Hundreds.

PUBLIC BILLS.—1° Small Debts Act Amendment.

PETITIONS PRESENTED. By Sir J. Guest, from Merthyr Tydvil, for the Adoption of Universal Suffrage.—By Mr. W. Lockhart, from Govan, against the Marriages Bill.—By Lord James Stuart, from Ayr, against the Marriage (Scotland) Bill; and from Irvine, against the Police of Towns (Scotland) and the Public Health (Scotland) Bills, and for Inquiry respecting the Roads and Bridges of Scotland.—By Mr. Octavius Morgan, from Monmouth, for Repeal of the Duty on Attorneys' Certificates.—By Sir Thomas Birch, from Altcar, respecting the Lancashire County Expenditure.—By Mr. Cardwell, from Liverpool, for an Alteration of the Bankrupt Law Consolidation Bill.

—By Mr. Frewen, from Clare, for Encouragement to Schools in Connexion with the Church Education Society for Ireland.—By Sir G. Grey, from Dudley, respecting Accidents, &c. in Mines.—By Mr. J. Tollemache, from the Congleton Union, for a Superannuation Fund for Poor Law Officers.—By Lord Dudley Stuart, from Marylebone, for Inquiry respecting the Metropolitan Police.—By Captain Dalrymple, from Ayr, against the Removal of the Post Office Packet Station from Portpatrick.—By Mr. Pearson, from Hoxton, for the Consideration of a Petition presented on 25th May, suggesting an improved System of Prison Discipline.—By Mr. Heald, from several Places in Cheshire, for the Protection of Women Bill.—By Mr. Haggitt, from Clehonger, for an Alteration of the Sale of Beer Act.—By Mr. Reynolds, from Roscrea, for an Alteration of the Law respecting Spirits (Ireland).

PRISON DISCIPLINE—ADJOURNED DEBATE.

Question again proposed.

Mr. BROTHERTON begged to avail himself of that opportunity of making a few remarks on the extent of crime in this country, its enormous cost, and the necessity of some means being adopted to check its further increase. Various modes of prison discipline had been adopted, but still the great problem remained to be solved, as to what was the most effectual means of preventing the increase of crime. Crime kept increasing, notwithstanding all the improvements in prison discipline; and of course its cost kept increasing. All persons admitted the connexion between ignorance, poverty, and crime. According to the returns which had been laid on the table of the House, there were in the united kingdom 3,500,000 paupers, and 200,000 criminals—that was so say, one in seven or eight of the population was a pauper, and one in 133 was a criminal. The committals had increased, since 1836, in England, 44 per cent; in Scotland, 68 per cent, and in Ireland 61 per cent. There must be a cause for this. He believed that not much short of 2,000,000*l.* a year were spent in punishing crime; but they made very few efforts for the prevention of crime. Heavy taxation produced poverty, and poverty led to crime. It seemed to be generally imagined that there were no other means of checking the evil, but of making more workhouses for more poverty, and more cells for more crime. But what were the chief causes of poverty, crime, and disease? Judges, magistrates, physicians, chaplains of gaols, and inspectors of prisons, all concurred in the opinion that two-thirds of the poverty, nine-tenths of the crime, and half the diseases, were produced by drunkenness—that this vice was more ruinous to the labouring classes of society than all other evils put together. In 1848 the amount of the duties on spirits, wine tobacco, and malt, was 19,000,000*l.* Here, therefore, was the great source of all the misery. The country expended at least 60,000,000*l.* a year in intoxicating liquors, a sum equal to the total amount of all the exports from the united kingdom. It appeared absurd that for every pound's worth of goods they exported, they drank half a gallon of spirits. In great towns, every poor man's dwelling was encircled with ginshops and beerhouses, from which he could hardly escape. This was the great source of the evil; and till they struck at this great source of crime, all their efforts at improving prison discipline, and the enormous sums they spent for that purpose, would be unavailing. No person could say that intoxicating drinks were necessary for the sustenance of life: indeed they were positively injurious. If, then, the higher classes would only set an example, and give encouragement to temperance societies, he had no doubt the best effects would follow, and that a great expenditure of money on account of their criminals would be saved to the country.

Sir H. HALFORD said, that having been a visiting magistrate of the county which he represented, he wished to make a few observations on this subject. Prior to 1844, in that county considerable alarm was excited by the continual and rapid increase in the number of prisoners, and it was thought it must in some way be connected with the crowded state of the then house of correction, and the imperfect state of the prison discipline. A prison on the separate system was then built, constructed for 274 prisoners, and was opened in April, 1845. The old prison was left for the female prisoners. The effect of that system had been such, that the number of prisoners was reduced, and now, in the new prison, not only could they accommodate the women, but could receive 100 Government convicts. The governor of the gaol, who was at first adverse to the separate system, now acknowledged its efficacy. He admitted the necessity of a punitive system, and the separate system was so. The hon. Member for Lambeth laid great stress upon hard labour. It was not incompatible with that system; and, acting on the principle of the hon. and learned Gentleman, that those prisoners who would not work should not eat, there was a crank machine in the prison he spoke of, which showed the number of revolutions made in their labour, and until a certain number was produced, they had nothing to eat. Undoubtedly, for reformation a certain period of confinement was necessary; but even for short periods, if the separate system could not effect that end, it prevented contamination. There were many persons interested in this question who were anxious for inquiry; and he should, therefore, move, as an Amendment, that a Select Committee be appointed to inquire into the system of prison discipline. Whether such a Committtee could, at that period of the Session, enter into a satisfactory inquiry was another question, but he thought it desirable that such an inquiry should be made.

Amendment proposed—

"To leave out from the word 'inquire,' to the end of the Question, in order to add the words, 'into the system of Prison Discipline at present applied to Prisoners in confinement in England.'"

Question proposed, "That the words proposed to be left out, stand part of the Question."

MR. FREWEN said, that with reference to the case of the gaol mentioned by his hon. Friend the Member for South Leicestershire, he could state that it was a notorious fact that before the alteration took place, and the separate system was adopted, the discipline of the old gaol was exceedingly bad. He believed that many of the borough gaols were in a very improper state, and he should therefore give his support to an inquiry into this subject.

MR. ALDERMAN SIDNEY said, his principal objection to the plan of the hon. Member for Lambeth was this. He knew of no system of spade husbandry which could be adopted which would have the effect of dissociating criminals in the gaols. There was nothing so prolific of crime in this country as the present unsatisfactory state of prison discipline; and it was scarcely possible to conceive the number of pickpockets, robbers, and burglars who were turned out of the gaols in London. The separate system had been objected to on the ground of expense. Now, he found that the average expense in six prisons, for which returns had been made, was 37*l.* 12*s.* per head under the associated system, whilst under the separate system the expense was only 24*l.* 4*s.*, thus showing the cost of the old system to exceed the other by 50 per cent. Under the associated system the prisoners became more and more degraded; whilst under the separate system a restraint was placed upon their actions, and they were prevented from contaminating others. He was quite convinced that the separate system, if judiciously carried out, would prove more economical and more reformatory of the criminal than the old or associated system. The hon. Member concluded by expressing his determination to support the Amendment.

VISCOUNT MAHON said, the present was a striking instance of the inconvenience arising from a long interval in the adjournment of a debate. They were now discussing a Motion made six weeks ago; and, under such circumstances, he did not think the debate could be carried on in a satisfactory manner. He thought it was impossible to advert to the subject of prison discipline without congratulating themselves on the very great and progressive improvement which had taken place of late years. Very great praise was due to the right hon. Gentlemen now Secretary for the Home Department, and also to the right hon. Gentleman his predecessor. But there was something still more entitled to praise; he meant the system of inspection and of frequent returns to that House, which was such that, even if a Secretary of State should be less attentive to that branch of his duty than the two right hon. Gentlemen, he would find it impossible to neglect or fail altogether in the performance of this duty. The present state of prison discipline was not altogether satisfactory; the want of a good classification of prisoners was in particular greatly felt, and was producing serious evils. Some apparently well-grounded complaints had been made of the great and unexpected expense which the construction of the new prisons had caused; but if they wished to classify and separate prisoners, they must go to greater expense in building prisons. He considered that many trivial matters were introduced into the reports of the prison inspectors, which, when printed, were a mere waste of the money of the country and the time of that House. As an instance he might allege the report of the prison of Kingston-upon-Hull, laid before the House in 1840, when the Marquess of Normanby was Secretary of State. In that report it was stated that the prisoners were in the habit of receiving letters from their friends without. Now that might be a fact of importance to make known, and possibly to deal with; but the report in question went on also to insert precise copies of the letters referred to, carefully preserving all their faults of spelling and inaccuracies of language. These letters were all of the most trivial character. Thus, for example, one begins as follows: "Friend, this comes with my respects to you; I send you a pound of tobacco, and I hope you will enjoy yourself." But it was not merely prose; effusions in verse also, or at least in rhyme, thus received by prisoners, were thought worthy the deliberate attention of the Legislature! Here are some of the lines:—

"My dear soldier lad,
For you I'm very sad,
But pray do you no more desert,
For if you do you'll break my heart."

He (Lord Mahon) acknowledged most readily that in the reports of later years there was less of trivial matter introduced, but still there was no little room for further improvement in that respect. He felt the more bound to advert to this topic as being himself a member of the Printing Committee. The Printing Committee of that House had no discretion relative to the printing of these prison reports, which depended upon the Secretary of State. He would suggest that they might be in future much abridged by the omission of points of no importance, so that in future hon. Members might not be deterred from the perusal of such voluminous documents. It appeared to him that the hon. Member for Lambeth had overlooked the practical difficulties in the way of self-supporting prisons; and he would vote against his Motion if that hon. Member called for a division. To the Amendment of his hon. Friend the Member for South Leicestershire he felt more favourably disposed, believing that such an inquiry might be a very useful one. But he doubted whether it would be desirable to appoint a Committee at this late period of the Session. Such an inquiry must necessarily be a protracted one, and to enter upon it now would be to commence it when Members were leaving town, when a prorogation would shortly take place, and when the inquiry must be almost immediately postponed. He recommended his hon. Friend, therefore, not to press his Amendment at present, and to bring it before the House at the opening of the next Session.

MR. BECKETT DENISON regarded the Motion of the hon. Member for Lambeth as in reality an attack upon the separate system of imprisonment which had been adopted in the English prisons. In his own county, two years ago, the visiting justices of the West Riding reported that the change to the separate system had been attended by a great improvement in the character of the prisoners, and that it was not necessary to punish them so often. The diminished per centage of recommittals under the separate system had also been most satisfactory. The report of the visiting justices for the past year confirmed the statement in the former report, that the separate system had led to a most remarkable decrease of prison punishment. Unless some better system could be pointed out, he strongly advocated the carrying out of the separate system throughout the kingdom. It was true that the prisons had caused an immense expenditure, and that the county rates for the last six or seven years had been enormously increased; but they had been increased by the necessity of building those prisons, because, unless the necessary accommodation were provided, the separate system could not be carried out. But the increase incurred during the last three or four years would not go on for all time, but was in its nature temporary. He felt bound to bear his testimony to the judicious conduct of the Secretaries of State during the last ten years upon subjects connected with prison discipline. He believed that they had been walking in the right direction, and if the magistrates would not grudge the money spent in building these prisons, and in adopting a good system, he believed they would go on decreasing crime. But if they sent boys or young persons to prison, and did not keep them separate, they would come out of prison worse than they went in. He trusted that the Home Secretary would not yield any thing in respect of the separate system, and that he would meet the Motion by a direct negative. He would recommend the Government to take up this question early next Session, because it would be absurd to appoint a Committee in July to go into such a subject. Here would be ample food for the best Committee they could form, and their inquiry must last some weeks, if they were to produce a report worth reading.

MR. HARRIS said, that the borough justices of Leicester had found a great percentage of recommittals among the persons imprisoned in the borough gaol, and a very small proportion in the case of the same class of offenders when they were committed to the county gaol, where the separate system was in force. The consequence was, that the borough justices were about to introduce the separate system into the borough gaol of Leicester.

MR. ROBERT PALMER regarded the Motion of the hon. Gentleman the Member for Lambeth as a proposition for the appointment of a Committee to inquire into some plan of prison discipline of his own and of his friends. With regard to Reading gaol, the visiting magistrates were desirous of the most rigid and searching inquiry into the management and expenditure of that gaol. He had been favoured by a visiting magistrate, who took an active share in the discipline of that gaol (Mr. Merry), with a return showing the effect of the prison discipline there. The return gave a comparative view of the state of crime in Berks, as shown by the number and gross expense of prosecutions at assizes and sessions during the four years before and the four years after the establishment of religious instruction as the basis of corrective discipline. During what Mr. Merry called the "treadmill period," from 1841 to 1844, the prisoners for trial were 736, and the expenses of prosecution 9,527*l.* During the period of religious instruction, from 1845 to 1848, the prisoners for trial were 655, and the expenses of prosecution amounted to 8,257*l.* Thus the reduction of expense in the latter period had been 1,270*l.*, and the diminution in the number of prisoners 81. To this saving of 1,270*l.*, Mr. Merry claimed to add what must have been the cost of prison maintenance before and after trial of 81 more prisoners at an average of six months each, and which made a financial saving of 2,201*l.* The expenditure for Reading and Abingdon gaols during the same period, had been, from 1841 to 1844, 14,986*l.*; from 1845 to 1848, 16,148*l.* The increase in the latter period was to be deducted from the above decrease, viz., 1,162*l.*, leaving a financial saving of 1,036*l.*, or an average reduction per annum of 260*l.* In the above calculations Mr. Merry had observed a strictly comparative view, and no Treasury allowance had been taken into account. The hon. Member for Lambeth would, therefore, see that there were two sides to this question, which was for that reason a proper subject for inquiry. It was the desire of the gentlemen connected with the gaols of Berkshire and the neighbouring counties, that an inquiry should take place, and that if a better mode could be suggested, it should be substituted for that now in practice. But he did not wish to see a system that had worked well, and which he believed to be far superior to any other yet tried for the reformation of prisoners, run down by public meetings, such as that which the hon. Member for Lambeth had attended, upon statements which were not to be altogether taken for granted, although they might be worthy of inquiry. A Committee to inquire into the general subject, would be a much more extended Motion, and it would not preclude the hon. Member for Lambeth from giving evidence before the Committee to prove that this plan would be more advantageous and less expensive than any yet adopted. But at least let both sides of the question be examined into. He was decidedly of opinion that the Amendment of the hon. Baronet the Member for South Leicestershire was the best mode of meeting this question, unless the hon. Member for Lambeth would follow the more advisable course of withdrawing his Motion, and allowing it to stand over for consideration until next Session, when the Government would probably not be disinclined to institute such an inquiry themselves, which would, no doubt, be fairly conducted, and would give satisfaction to his (Mr. Palmer's) brother magistrates and constituents.

SIR G. GREY said, that as he had already addressed the House at some length in answer to the Motion of the hon. Member for Lambeth, and as he had stated the grounds on which he thought that it would be inexpedient to appoint a Committee in the terms proposed, he would not enter at large into the general question, but would confine himself chiefly to the Amendment which had been moved, and to some observations upon one or two remarks which had fallen from hon. Members in the course of the discussion. He could not but express the gratification which he felt at the testimony which had been borne to the value and advantage of the separate system of imprisonment, which had now stood the test of several years' experience, since its first introduction in Pentonville prison, on the recommendation of his noble Friend the First Lord of the Treasury, at that time Secretary of State for the Home Department. It was very gratifying to find that so many Gentlemen who had had practical experience of the working of that system, spoke so highly of its value. He would therefore only say of it, that it was a system which, though not perfect, and requiring very careful supervision, combined more effectually than any other the two important principles of deterring from crime, and reforming offenders. Great alarm had been excited about the supposed expense of the prisons constructed under the new system; and since he last addressed the House on this subject, he had obtained the comparative cost of building prisons under the old and new systems, from which he found that the expenditure was less under the new system than the old. For example, York Castle, which had been referred to, was erected many years ago, and was built at an expense of 1,200*l*. per cell. Millbank Penitentiary was built at an expense of 500*l*. per cell, and Maidstone Gaol and Westminster House of Correction at a cost of 300*l*. per cell; but these were all built previously to the introduction of the separate system of imprisonment. Reading Gaol, of which so much had been said, cost only 200*l*. per cell; and prisons had been built at Birmingham, Manchester and Leeds, and one was now building in Hampshire, the average cost of which was from 140*l*. to 150*l*. per cell. He thought, therefore, it might be fairly said that the expense of building prisons was smaller under the new than under the old system. A comparison had been made by the worthy Alderman between the expenses of six prisons under the old, and six prisons under the new system, and there was a difference of 50 per cent in favour of the new. With regard to the Amendment, he considered that an inquiry into the system now adopted in the different prisons of England and Wales, which, he thought, was not so uniform as it ought to be, was a very fair subject for Parliamentary investigation. At the same time he thought that it would be desirable to postpone such an investigation at present, as the House had already commenced morning sittings, and a few weeks would terminate the Session of Parliament. In the next Session he should have no sort of objection to such an inquiry, and he thought it would be of very great advantage. At present he hoped that the House would negative the Motion of the hon. Member for Lambeth, and not accede to the appointment of a Committee during the present Session.

MR. HUME believed there was scarcely a gaoler of long standing with whom he had not communicated respecting the efficacy of prison discipline, and they almost all doubted the beneficial result of imprisonment in reforming criminals at all. His own opinion was, that they could not reform prisoners by the adoption of any system of prison discipline. He agreed that prisons were, in many respects, improved, but they were too often making palaces of them; and he believed that the tendency of a mawkish sympathy for and attention to criminals, rather tended to encourage than to check crime. The best plan was, to enable these persons to take care of themselves, and prevent them from ever coming upon the calendar of crime. If Parliament and the Government would not take measures to send boys and girls abroad as emigrants at the public expense, they must be prepared to incur the cost of sending them abroad as criminals, and at a greater waste of money. There was a third course, one far better and far more economical, much the cheapest and best of all—that of educating them. It had now become, as he thought, perfectly evident that the duty of the Legislature was to educate the youth of this country, with their own consent and that of their parents, if possible, but to educate them at all events. If they hoped to prevent crime, education must be made compulsory. It had at length become but too manifest that youthful prisoners were not improved by prison discipline—at least not improved to the extent that was necessary for the prevention of crime. He knew that the hon. Member for Lambeth had given much attention to the subject which had that day been brought under their notice; but, though he had given much time to it, and though on the present occasion he was not likely to accomplish all that he might desire, yet when there was a prospect that the matter would be taken up by the Government itself, or at all events supported by them, in the first week of the ensuing Session, he hoped that the hon. Member would not now think it necessary to press the question any further. In the course of the next Session they might hope for a deliberate and careful inquiry; he should therefore advise his hon. Friend for the present to withdraw his Motion, and immediately after the appointment of the Committee he would find to be the fitting time to consider what should be the course of inquiry to be pursued. Although he felt very strongly the necessity of compulsory education, yet he would by no means interfere with the religious feelings of any class of the community; he would allow all sects and denominations to educate their children in their own opinions; but where parents, or the religious community to which those parents belonged, neglected to provide for the education of children, then he should make a compulsory rate upon the parish or district, and compel the education of children—anything rather than be obliged to maintain them as prisoners—anything rather than having children left at large till they committed some crime. Such a proceeding, no doubt, might be regarded as an interference with the liberty of the subject, but it would be only somewhat restricting his liberty for the benefit of the subject himself.

Mr. ADDERLEY agreed with the hon. Member for Montrose that they ought, if possible, to stop the current of crime at its source; but still, though they might labour in that direction, and it certainly was the right direction, it would not settle the question. He had had some experience of the separate system both in Warwickshire and in Staffordshire, the result of which was very much in favour of that system; it had, however, undergone much discussion in both those counties. In Warwickshire, the philosophical part of the question was considered, while in Staffordshire the economical portion chiefly occupied attention, the whole undergoing a very sharp scrutiny. It appeared to him that the main objection to the plan of the hon. Gentleman the Member for Lambeth consisted in this, that it was a new nostrum, and rather of an anomalous kind; and he was sure the House must admit this, that the subject was one with which any statesman must find it extremely difficult to deal satisfactorily; he therefore considered it was their duty to persevere in that course which at present seemed to work well. Every one must feel that transportation was resorted to from necessity, and not from choice. He was certainly not prepared to defend the plan in use, or any plan of transportation; but when any discussion arose on the subject, the question was naturally put, if we do not transport, what are we to do? The necessity, however, did not strike him so forcibly as it did the minds of other people, for the principle was vicious, and he never could be brought to think that God rendered anything necessary which was in principle vicious. He believed that a very great number of criminals were created by an erroneous classification of offenders, and that much was called crime that could not properly be so designated. Another part of the subject which appeared to him of no trifling importance, was the way of dealing with crime, and the plan of our national institutions with reference to crime. He thought, if those institutions were fairly considered, if crime were fairly classified, it would be found that one-half those who were called criminals ought really to be otherwise described; and that much which was called crime ought to be characterised as misfortune. Again, he thought that our institutions demanded reform, and if reformed as they ought to be, Parkhurst would soon become another Mettrai. Parkhurst, as at present administered, was more like a military seminary than anything else; and again he would repeat his earnest hope that something like an efficient reform might be introduced in the course of next Session. He felt himself fully justified in asserting that in the present state of things there was no essential difference, so far as education was concerned, between a national school, a national workhouse, and a national gaol. The want of education, crime, misfortune, and punishment, were all mixed up together; virtue was degraded, and crime was dignified; virtuous misfortune was, by a false classification, mingled with the grossest offences. He hoped that, sooner or later, they might be able to get rid of the punishment of transportation; and, at all events, he hoped that they would not sit down under the self-condemnatory practice, that that which was vicious in principle must nevertheless be submitted to. Looking, then, at all the circumstances of the penal system in this country, he should certainly vote for the Motion of the hon. Member for Lambeth.

Sir J. WALMSLEY stated, that in the Liverpool borough prison boys and girls between the ages of eight and thirteen years were sent into confinement as often as eight or ten times in the course of the year. In Liverpool, he regretted to say, that there were great numbers of children who had no visible means of subsistence, who never could get a meal till they committed a crime, and when they were discharged they then never lost a moment in committing a fresh crime. Such children, if interrogated, at once answered that they had no means of livelihood, and that they committed the crime for which they were sent to prison with the sole purpose of obtaining food and shelter. He hoped, then, that in the next Session of Parliament this subject would obtain from the Legislature a full and fair consideration. The punishment of offenders was much more expensive than the education of children could possibly prove; and he had no doubt that if they obtained a Committee, the Home Secretary would be able to give them much useful information. He hoped, under all the circumstances, and considering the late period of the Session, that the hon. Member for Lambeth would for the present withdraw his Motion.

MR. WODEHOUSE agreed in the remarks of the hon. Member for Montrose, as to the necessity of giving the children of this country a good education; but the question of making that education compulsory was a very delicate and difficult one. This question of prison discipline had been too long delayed; and he therefore trusted that the Government would faithfully redeem the pledge which they had now made, of instituting a full inquiry into it early next Session.

SIR J. PAKINGTON said, that instead of going into the many topics that had been broached in the course of the present discussion, he should confine himself to that which formed the real question before them. He begged, in the first place, to remind the House, that the question was not how they could best deter persons from the commission of crime, but how they could improve what was called prison discipline; or, rather, if they ought to consider the appointment of a Committee to inquire into that subject. All prisons ought to be considered as existing for the benefit of all prisoners, and the matter which that day should engage the attention of the House, was the subject of inquiry for the Committee. It was also, he hoped, not to be forgotten that the hon. Member for Lambeth had made this proposition as long as six weeks ago, and now it was proposed that he should, being near the close of the Session, withdraw it. There was, however, this satisfactory circumstance connected with the subject, that a Committee was to be appointed early in the next Session of Parliament. As to the Motion and Amendment before them, he could not help saying that of the two he preferred the terms of the Motion; and he must be allowed to add, that he thought the hon. Member for Lambeth well entitled to thanks for the trouble that he had taken, and the manner in which he had brought forward the subject of prison discipline. He repeated that he preferred the Motion to the Amendment. In the Motion there was a distinct and intelligible proposition, while the Amendment appeared to him far too general. If any one were to ask what was our present system of prison discipline, the answer must necessarily be that we had no general system. We had the separate system and the treadmill system, and others, but we had no general system. On the whole, he believed that the separate system was the best that had yet been brought into practice; but he had nevertheless always looked on the separate system with much doubt, and often thought that it must undergo great change. He had always said, and would now repeat, that all who were open to temptation ought to be instructed and disciplined in habits of self-reliance, and that prisoners sent forth from confinement ought, if possible, to be qualified for a new intercourse with the world. If the hon. Member for Lambeth pressed for a division, he should certainly vote with him; but he put it to the hon. Gentleman, whether he had not already achieved enough—in fact, achieved his object—and whether he thought it worth while to call for a division, rather than reserve the further discussion of the question for a new Session of Parliament.

SIR G. GREY explained, that when he gave his assent to inquiry in the terms proposed by the hon. Gentleman the Member for South Leicestershire, he did not contemplate that the inquiry should be only into one system; on the contrary, his intention was, that it should apply, not to the system in one gaol only, but in all the gaols in England and Wales, and not one should be excluded from the investigation.

SIR H. HALFORD expressed his willingness to withdraw his Amendment, but remarked that the same reasons which had been urged upon him to do so, equally applied to the Motion itself, to which he hoped the House would not give its sanction.

MR. C. PEARSON said, he should be ungrateful, and undeserving of the compliments and kind expressions which had been used towards him if he did not withdraw his Motion, provided it should appear to be the general opinion of the House that he should do so. But he could not ask for any hint upon that subject until he had replaced this question upon the foundation from which it had been inconsiderately attempted to be removed. He should have thought that the question was large enough in itself without having imported into it two other great subjects, such as that broached by the hon. Member for Salford—the intemperance of the people leading to crime—and the second, introduced by the hon. Member for Montrose, relating to the education of youth. When those questions came properly before the House, he should take a part in the discussion of them; and when the hon. and learned Attorney General brought forward his Bill with respect to the punishment of juvenile offenders, he (Mr. C. Pearson) would not shrink from the unpopularity—should that be the result—of declaring his assent to the principles which had been shadowed forth by the hon. Member for Montrose. He had not originated this question for the purpose of casting a stigma on the separate system except as it was administered at Reading; there were, it appeared, other modifications of the same system, as, for example, that mentioned by the hon. Member for South Leicestershire, in which hard labour was conjoined with separation. What he asked was, which of these systems should have the preference? The hon. Member for Berkshire had read a paper for the purpose evidently of showing that there had been a diminution of committals at Reading since the separate system began there. But if he referred to the returns made by the chaplain, the Rev. Mr. Field, the committals for 1840 to 1844 inclusive, were successively—905, 937, 920, 898, and 1,154. He knew very well that some unaccountable difference always existed as to the returns for that gaol, for the chaplain did not agree with the governor, and the governor differed from the inspector. The separate system was introduced in 1845, and the returns made to him by the governor expressly for reference in the House, gave the yearly committals successively as 672, 811, 1,002, and 1,200. The separate system at Reading included separation by night and by day, excluded all hard labour except one hour's work at a crank-wheel, which employed ten men, although it could not furnish work for more than two. There was nothing compulsory in the gaol except what they called corrective education. The felons rose at six o'clock, cleaned out their cell, went to chapel, and then had nothing more to attend to except the books, which were supplied to them in successive lots with light work for their recreation. They had so much good food that the magistrates said they were "ready to burst," and all the crime committed in the gaol consisted of disposing in an improper way of their surplus food. That was the system with which he had determined to wage war. The separate system, if carried on with liberality, was an injustice to the ratepayer and the community at large; but if administered with severity and parsimony, it was fatal to the body and mind of the victim subjected to it. He said, they had no right to inflict a sentence by law upon a person which would incapacitate him to earn his livelihood when he left the prison. He was told that in the gaol of Leicester hard labour was enforced in combination with the separate system, and the amount and quality of the food was made dependent on the labour done. That was part of the system which he advocated; for he maintained that, in order to produce any good effect on the criminals, it was necessary to influence them towards industry by the like motives which animated those who were at liberty. His Motion was, that it should be referred to a Committee to inquire whether any system could be found at once punitive, self-supporting, and reformatory. The Reading system, at all events, had not the characteristic of being self-supporting, for with a salaried trades' teacher, the whole produce of 100 prisoners was 6*l.* 2*s.* 8*d.* Yet they had a salaried trades' teacher, dressed in uniform, and maintained in style by the establishment, to teach the criminals what? Why, the young man blushed to tell him—he taught the criminals knitting—knitting to the stalwart navigators! The light crank-wheel labour, the chaplain said, had been never refused, except in two cases, and one of these was a London thief, who said hard work would unfit his hand for his profession when he went out again. That was the system against which he fought, and that was the model prison, which he should continue to call the prison-palace. The original cost of that house was 47,000*l.*; it cost 2,000*l.* or 3,000*l.* more, and but for his interference would have cost 700*l.* in addition, this year, for another airing yard. The model airing yard was a radiating court, where each might walk without seeing his fellows. Above was an awning, which might be drawn in case the sun or the rain was unpleasant, so that the "winds of heaven might not visit their cheeks too roughly." But, more than that, Colonel Jebb, the prison inspector, having found out by laborious calculations that about 2 per cent of the prisoners were persons with whom the air that reached them did not agree—he had to remedy the slightest interference with their comfort—proposed introducing into the cells cocks to the hot and cold air-pipes, so that the prisoner might be able to help himself to his taste. He contended that such a system as this unfitted those subjected to it for the inclemencies of an English climate, and trained them to habits of indolence and self-indulgence. The names of Howard, Romilly, and Paley, had been quoted in its favour, but he believed quoted by mistake. At least Mr. Howard, in his last work, which had been already quoted, inserted a draft of a bill for a system compelling entire seclusion by night, and between the hours of labour, but enjoining such labour as required the prisoners engaging in it to be brought together. He contended that the system he proposed was really that contemplated by Howard, and that it might be rendered at once punitive, industrial, reformatory, and self-supporting; and he should be prepared to prove in Committee, upon the testimony of twenty practical agriculturists, farming from 500 to 2,000 acres of land, that the labour of 500 prisoners upon 1,000 acres of land would not only supply the prisoners but all the officers of the gaol with food, and render a surplus money production of which the lowest estimate was 1,500*l.* a year, and the highest 4,000*l.* a year. Such a system, he asserted, whilst it was deterrent and self-supporting, would enable the criminal to face society again with the prospect of honestly gaining his own living. The land might be bought for 40*l.* an acre, and a wall built as secure as that round Millbank, for half the cost per prisoner, as the cost of Reading gaol. After what had passed, it was not now his intention to divide; but during the first week in the next Session, he should again introduce the question in its present form; and on that occasion he hoped he should not be met with an amendment which did not grapple with the question. Before sitting down, he begged to state, that during the recess it was his intention to visit the principal cities and towns in the kingdom, in order that this question might be thoroughly discussed in the country, and that he might return to the House with his loins girded up for the contest.

Amendment and Motion, by leave, withdrawn.

BANKRUPT AND INSOLVENT MEMBERS BILL.

The House having gone into Committee on this Bill; Mr. Bernal in the chair,

MR. GOULBURN said, the House had decided by a considerable majority, that they intended to abrogate the privilege which Members had hitherto had of being exempt from arrest for debt. This privilege had not been given for the benefit of individual Members, but to remove the possibility of the decisions of the House being influenced by the arrest of those who might have demands against them. His view was, that, if they were prepared to abandon the privilege, it would be better to leave Members of Parliament, as regarded payment of their debts, precisely upon the same footing as other members of the community. At the time when the privilege was conceded, it was in the power of any individual by affidavit to arrest any Member of Parliament, and thus prevent him from discharging his duties in that House upon any particular occasion, when his vote or presence might be necessary for the public service. But great alterations had since been made in the law. As no person could be arrested on mesne process, there was no longer the same necessity for exempting Members of Parliament. The privilege was not conferred by any existing statute. The House by its own authority might remove the freedom from arrest, and there was this inconvenience resulting from passing an Act on the subject, that it was made exclusively applicable to Members of the House of Commons, and they could not afterwards make any alteration in it without the consent of the other House of Parliament. He suggested, therefore, that the best course would be to allow Members of Parliament to stand in the position of other members of the community, and not introduce a separate measure.

MR. HUME remarked, that he thought the definition of property was very imperfect in the Bill, and calculated to cause much doubt.

MR. G. BERKELEY wished to know in what position West India property would stand. Property which but a few months ago was exceedingly valuable, would not now realise one shilling.

MR. HEADLAM said, that the debtor would surrender up what property he had to his creditors, and he would then receive his discharge, and no one could remove him from his seat. But if he did not do so, then this Bill had effect; for it was solely intended and devised against those who had property, but who would not apply it to the payment of their debts.

Mr. HUME wished to observe, that if they merely took away the privilege of protection from arrest, they would have done amply sufficient, and they need not then trouble themselves to legislate in detail upon the subject. He desired to know, if a person having property in Demerara worth 120,000*l.* in 1848, though it was not worth 5*l.* now, tendered it at its former value, would that be deemed a sufficient security for the liabilities of the debtor?

The ATTORNEY GENERAL was certainly of opinion that it would not. If the proposition of the hon. Member for Montrose was adopted, it would be much more severe than the present Bill, for then every man having a judgment debt could arrest the insolvent, and hold him in prison until the judgment was satisfied.

Mr. C. WYNN said, that in his opinion the House was going a little too fast in legislating on the subject of their privileges, which were never yet made subject to any other control than their own. A simple resolution of the House to the effect that the privilege of freedom from arrest would only be enforced in such and such cases, would have all the effect that the present Bill was intended to produce; and this course would be attended with the advantage that the House of Commons would thereby continue to be on the same footing of equality which they now enjoyed as regarded the other House; whereas if the present Bill passed, and at any future time the House desired to revive its privilege, it would be necessary to ask the consent of the other House; and if the House of Commons was obliged to ask the consent of the House of Lords to a Bill affecting its privileges, that would be establishing a degree of inferiority between themselves and the other House. The best way was to suspend the progress of the Bill, and to pass a resolution to the effect that the House would not in future enforce its privilege of freedom from arrest in certain cases.

Sir W. CLAY would put it to the hon. Member for Dartmouth, whether it was desirable that he should proceed with his Bill, after the observations which had just fallen from so high an authority upon that subject as the right hon. Gentleman the Member for Montgomeryshire.

Mr. MOFFATT said, the Bill had been before the House since the beginning of the Session, and it had been sent to a Select Committee. He scarcely knew how the subject could be dealt with in the shape of a resolution. Of course it was quite competent for any hon. Member to propose a resolution for this purpose; but he was not aware that any such resolution was before the Committee.

Mr. LAW said, the proper mode of proceeding was by resolution, and therefore he should move that the Chairman report progress.

Mr. HUME thought that they were more likely to attain their object, and to avoid putting the privileges of the House under the trammels of the other House, by acceding to the Amendment of the hon. and learned Gentleman the Recorder of London.

The SOLICITOR GENERAL said, that the 52nd Geo. III. applied in this case, and they could not, therefore, proceed by a resolution.

Mr. C. ANSTEY said, the point raised by the hon. and learned Gentleman the Solicitor General was only another reason why further time should be allowed for consideration.

Mr. MOFFATT said, he should like very much, before the point was decided, to hear the opinion of the law officers of the Crown upon it.

The ATTORNEY GENERAL said, that if he were bound to come to a decision on the matter without inquiry, he should be strongly inclined to bow to the high authority of the right hon. Gentleman the Member for Montgomeryshire; but, for the present, he should prefer declining to commit the House even to that high authority, more especially as the hon. and learned Gentleman the Recorder of London gave them an opportunity for further consideration on the subject.

The House resumed; Committee report progress; to sit again on Wednesday next.

PROTECTION OF WOMEN BILL.

Order for the Second Reading read.

Mr. SPOONER, on moving the second reading of the Bill, said, that as he had received no intimation that the Bill would be opposed, it would be unnecessary for him to go at any length into its merits. He should merely state that it had come from the other House of Parliament, where it had been carefully considered; and that it had been prepared, as he understood, by one of the very highest legal authorities in the united kingdom. The object of the Bill was to remedy a great and notorious evil. He believed no one could be found to dispute that there was carried on a very large traffic and dealing in the prostitution of females. But it was much more extensive, and it was carried out in a manner that he believed few hon. Members were aware of. The Bill simply provided that any person convicted of having procured, obtained, or induced the prostitution of a female, should be punished for so doing.

The ATTORNEY GENERAL: Upon trial?

MR. LAW: No. There is to be no trial; but upon conviction before a magistrate.

MR. SPOONER admitted that such was the arrangement in the Bill. But if it were objected to, it could be remedied in Committee. All he was arguing for was the principle of the measure. All he asked was, that as the Bill proposed, any person found guilty of having solicited or procured any woman, &c., for the sake of lucre or gain, should be found guilty of misdemeanor, and be subjected to imprisonment, with hard labour, for any term not exceeding two years.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. C. ANSTEY said, it was his painful duty to oppose the Bill. It consisted of only one clause, so that in affirming the principle of the measure, they should affirm it entirely. In the other House, it had had the unfavourable opinion of the law Lords; and the hon. Gentleman who moved the second reading admitted that there were serious objections to parts of it. It was a one-sided Bill, for, whilst it punished the soliciting of females, it made no provision for punishing the soliciting of men. But, above all, he found that the offence of seduction was not provided against at all by it. On the contrary, it was meant only to apply to the case of unfortunate females already seduced, and thereby cut off from all other means of obtaining a livelihood. But, again, it did not propose to punish the man or woman offending, but only the person procuring, &c. And the means by which the procuration was forbidden to be effected, were false pretences, false representations, and other fraudulent means. Now, the common law provided sufficiently for these offences, the only offences against which the Bill was directed. And if the magistrates did not enforce the common law, how could it be expected that they would enforce this new statute? He believed there was out of doors a great deal of morbid and unnatural excitement on the subject of the measure. When passed, the effect would be simply that, to some extent at least, that morbid taste would be gratified. But really some consideration was due to the unfortunate females to whom the Bill would apply. If the hon. Member would propose any Bill for preventing the offence of seduction, he would support it; but the less they legislated for those women who had been already seduced, the better. He should beg to move, as an Amendment, that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. HUME wished to ask the hon. Gentleman the Member for North Warwickshire, whether any new evidence had been laid before the House of Lords that rendered this proceeding necessary? The hon. Gentleman was aware that Bills of the same tendency had been introduced annually for many years past. But there was a great objection to increasing the number of statutes, without very sufficient cause being shown. It was said upon a former occasion, when the subject was under consideration, that there were a great many houses of bad fame in Westminster belonging to religious persons (the Dean and Chapter), who derived a considerable revenue out of them. He wished to know whether any inquiry had since been made into the condition and reputation of these houses, and whether any step had been taken by the religious proprietors to check the vice and immorality that went forward in them? He had himself suggested, and he now repeated the suggestion, that a searching inquiry into the whole system with which the Bill proposed to deal, ought to be, and it could easily be, made through the proctors of the Universities. The right rev. Prelates in the other House were all University men themselves, and they could devise and arrange the best means of setting such an investigation on foot, through the aid of the proctors of the Universities of Oxford and Cambridge.

The ATTORNEY GENERAL hoped the hon. Member for North Warwickshire would not deviate from the strict question by replying to the inquiry. He agreed in the propriety of considering a well-digested plan for the suppression of prostitution; but he thought that this Bill, instead of being for the protection of women, relaxed the present law, and was in favour of free trade. As he understood the law now, it was this, that if any two persons conspired, or one party employed another for the purpose mentioned in this Bill, it was an indictable offence; and if they solicited by false pretences, although unsuccessfully, it was still an offence, and they might be punished by fine or imprisonment, or both; but by this Bill the fine was taken away, and the punishment was limited to imprisonment only. He doubted whether they ought to afford to parties the means of extorting money by making false charges of this description. He must stop this homœopathic dose for a great evil, and vote against the Bill.

Mr. SPOONER said, that the object of the Bill was not to meddle with persons in a state of prostitution, but to prevent the trade in procuring. He had the authority of Mr. Baron Parke for saying that the Act of 3rd George IV. did not apply in cases where consent was given. He had heard it stated, on good authority, that the two daughters of a noble Baron had been sent to Paris for their education; that on their return, the vessel having met with some accident, they were detained at the sea-side, where they made the acquaintance of a lady of genteel appearance, with whom they departed; and from that day to this the two girls had never been heard of.

The ATTORNEY GENERAL observed, that the 9th George III. cap. 31, sec. 21, enacted that any person who should, by force or fraud, take away a child from its parents, should be guilty of felony.

Mr. ELLIS thanked the hon. Member for North Warwickshire for bringing in this Bill, and hoped the House would allow it to go into Committee to correct any defects.

Mr. LAW said, that as the Bill at present stood, it certainly was a most imperfect attempt at legislation; but he thought it was capable of being improved, and he trusted the House would give it every attention for that purpose.

Mr. NEWDEGATE said, that he had many petitions from a numerous body of the clergy, in reference to this Bill, and trusted that no defects in the Bill would preclude the House from acceding to the principle.

Sir G. GREY did not think that anything that had passed in this House ought to be taken as an indication of the opinion of the House, that the enormity of the offence was not fully appreciated. The hon. Member for North Warwickshire had made an appeal to him, and had said that he had formerly given valuable assistance in support of a Bill of this kind; he denied that it was a Bill of this kind; it was a Bill which he thought really adapted to meet the evil; the Bill was rejected in the other House of Parliament, and they had sent down this Bill, which was confessedly perfectly inefficient. The hon. Member for North Warwickshire had said that the Bill was recommended by a high legal authority. He (Sir G. Grey) suspected that the high legal authority alluded to must have taken the Bill out of the hands of the right rev. Prelate who introduced the measure, and induced him to assent to alterations which must render it entirely nugatory. They might be supposed to assent to the proposition that some alteration of the law was desirable; but they would stultify themselves by giving support to a species of legislation which would only degrade and bring legislation into contempt. If the hon. Member could promise that he could propose amendments which would make the Bill really efficient, he should not oppose the second reading.

Mr. SPOONER was willing to give that assurance.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 130; Noes 6: Majority 124.

List of the Ayes.

Acland, Sir T. D.
Adderley, C. B.
Arkwright, G.
Ashley, Lord
Baldock, E. H.
Baring, rt. hon. Sir F. T.
Barrington, Visct.
Bellew, R. M.
Beresford, W.
Berkeley, hon. H. F.
Berkeley, hon. G. F.
Berkeley, C. L. G.
Blair, S.
Brackley, Visct.
Bremridge, R.
Bromley, R.
Brotherton, J.
Bruce, C. L. C.
Bunbury, E. H.
Callaghan, D.
Carter, J. B.
Cavendish, hon. G. H.
Christy, S.
Cobbold, J. C.
Cocks, T. S.
Colebrooke, Sir T. E.
Colvile, C. R.
Cowan, C.
Dalrymple, Capt.
Davie, Sir H. R. F.
Denison, E.
Dodd, G.

Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Du Pre, C. G.
East, Sir J. B.
Edwards, H.
Ellis, J.
Farnham, E. B.
Farrer, J.
Floyer, J.
Forbes, W.
Forster, M.
Fortescue, hon. J. W.
Fox, W. J.
Freestun, Col.
Galway, Visct.
Gordon, Adm.
Greenall, G.
Greene, J.
Grogan, E.
Grosvenor, Earl
Gwyn, H.
Haggitt, F. R.
Hallyburton, Lord J. F.
Hamilton, G. A.
Hanmer, Sir J.
Harcourt, G. G.
Harris, R.
Hastie, A.
Hawes, B.
Heald, J.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Hodgson, W. N.
Hood, Sir A.
Hope, A.
Hotham, Lord
Howard, Lord E.
Hughes, W. B.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Kershaw, J.
Lacy, H. C.
Law, hon. C. E.
Lockhart, A. E.
Lockhart, W.
Lygon, hon. Gen.
Meagher, T.
Maitland, T.
Masterman, J.
Matheson, Col.
Maule, rt. hon. F.
Miles, W.
Milner, W. M. E.
Milnes, R. M.
Morgan, O.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mullings, J. R.
Naas, Lord
O'Brien, Sir L.
Ogle, S. C. H.
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Palmer, R.
Patten, J. W.
Pearson, C.
Perfect, R.
Pilkington, J.
Portal, M.
Powlett, Lord W.
Prime, R.
Ricardo, O.
Robartes, T. J. A.
Rushout, Capt.
St. George, C.
Sandars, G.
Seaham, Visct.
Smollett, A.
Sotheron, T. H. S.
Stafford, A.
Stuart, Lord D.
Thompson, Col.
Thornely, T.
Trollope, Sir J.
Villiers, hon. C.
Waddington, H. S.
Watkins, Col. L.
Wellesley, Lord C.
Whitmore, T. C.
Wilson, M.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.

Spooner, R.
Newdegate, C. N.

List of the Noes.

Caulfeild, J. M.
Duff, G. S.
Gibson, rt. hon. T. M.
Salwey, Col.
Sturt, H. G.
Wynn, rt. hon. C. W. W.

TELLERS.

Anstey, T. C.
Hume, J.

Question again proposed, "That the Bill be now read a second time."

Mr. MILNER GIBSON complained of the Attorney General leaving hon. Members in the lurch in not having voted against the Bill, after having stated that in voting against it, Gentlemen voted against an imperfect Bill.

The ATTORNEY GENERAL stated that he approved of the principle of the Bill, but it was upon technical grounds that he did not vote at all.

Sir G. GREY said, that he did not hold himself responsible for making amendments in the Bill.

Mr. H. BERKELEY said, he certainly understood the Attorney General as making out a case against the second reading of the Bill, and therefore he was considerably astonished when he saw his hon. and learned Friend make his exit without voting. He could scarcely believe his eyes. Under those circumstances he had nothing to do but to look to his hon. Friend the Member for North Warwickshire for some explicit declaration what he meant to do with the Bill, so as to meet the Attorney General's objections. If the Attorney General assented to the hon. Member's proposition, it was his business to vote for the second reading. In this case his safest plan was not *in medio tutissimus ibis.*

Colonel SALWEY moved the adjournment of the debate until the hon. Member for North Warwickshire introduced his amendments.

Mr. HUME seconded the Motion. They would be to blame if they allowed the second reading, when the Attorney General declared there was no principle in the Bill. The Attorney General had told the House that the Bill would weaken the protection which the law at this moment gave to women. He therefore called on the hon. Member for North Warwickshire to act agreeably to his pledge.

And it being Six of the clock, the Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, June 28, 1849.

Minutes.] Public Bills.—1ª Sites for Schools; Soap Duty Allowances; Life Policies of Assurance.

2ª Sequestrators Remedies.

Reported.—County Cess (Ireland).

3ª Highways (Annual Returns); Incumbered Estates (Ireland).

Petitions Presented. By the Earl of Galloway, from Castle Douglas, for Facilitating the Attainment of Sites for Churches (Scotland); also from Crediton and Galgorm, against the Parliamentary Oaths Bill.—By Lord Stanley, from Woodbridge, for Improvement in the System of Rating; also from Holbeach, for such Measures as shall secure Protection to Agriculture; also from North Witchford and Mansfield, to grant Superannuation Allowances to Poor Law Officers; and from Farnborough and Dudley, for an Alteration in the Educational Grant.—By the Earl of Suffolk, from Malmesbury, for Extending the Jurisdiction of County Courts.—From Symondsbury, against the Endowment of Roman Catholic Priests in Ireland.—From Harewood, against Granting any New Licenses to Beer Shops.

ABSENCE OF THE LORD CHANCELLOR.

Lord BROUGHAM said, that a fortnight ago the production of returns (an account of the number of causes now standing for hearing in the Court of Chancery; distinguishing those set down before the Lord Chancellor, Master of the Rolls, and the Vice-Chancellors, and when set down; those heard and standing for judgment, and dates when ready) had been ordered by their Lordships, for the purpose of ascertaining the amount of business in the Court of Chancery, not with a view, as was erroneously supposed out of doors, of showing the great amount of arrears in that court, but of showing exactly the reverse. He therefore hoped that his noble and learned Friend the Lord Chancellor—whose indisposition, in common with all their Lordships, he sincerely lamented—would not attend a day sooner than his friends and his medical attendants thought advisable in his court, where no inconvenience had accrued from his absence. If he (Lord Brougham) possessed the power, he would have issued an injunction to restrain his Lordship from appearing in his court until he was perfectly recovered. He recollected that in the year 1815 the late Lord Eldon was absent for three months—the months of June, July, and August—from his court, owing to indisposition.

Lord LANGDALE: I cannot concur with my noble and learned Friend in thinking that no inconvenience whatever arises from the absence of the Lord Chancellor from the Court of Chancery, from this House, and from the Councils of Her Majesty. But as to the Court of Chancery, I believe that the inconvenience is much less than it is sometimes represented to be, and probably it is (from the state of business) much less than it would have been on any former occasion. It cannot be proper, but on the contrary would be very wrong, to hurry or disturb the Lord Chancellor in any way. His recovery, which is so much desired, might be retarded, and the public would for a longer time be deprived of the benefit of his much valued services. I hope there will be no occasion to provide any substitute; but if it should unfortunately be necessary, I trust I may be excused for expressing my opinion that it will not be necessary for that reason to deprive the Lord Chancellor entirely of his office, or even to appoint a Commission. In the old time, before the reign of Queen Elizabeth, when the Lord Chancellor was usually a bishop and an active statesman and politician, when his absences were frequent either on account of the business of his diocese, or from his employment on foreign embassies or other public business, and when he must, of course, have been sometimes, as he may now be, disabled by indisposition, it was by no means uncommon to place the Seal, with his consent, by the direction of the Crown in the temporary possession of other persons to be held and used for the Chancellor in his absence, and to be restored to him on his return or recovery. No change of Chancellor was thought necessary in consequence of his temporary absence or disability. The occasion was provided for by committing the Seal to the temporary and vicarious custody of a keeper of the Seal appointed for the occasion. But early in the reign of Queen Elizabeth the authority of a keeper of the Great Seal was declared to be equal to the authority of the Chancellor; and, consistently with that enactment, two persons cannot be, one of them Chancellor, and the other keeper of the Great Seal, at the same time. But still, as the authority of the Court of Chancery is vested in the person who holds the Great Seal—as the Seal is held at the pleasure of the Crown—as the business attached to the Seal ought not to suffer injurious interruption—as a temporary indisposition ought not to deprive the Crown and the public of the services of an experienced and valuable public servant for a longer time, or to a greater extent, than is absolutely necessary—there seems to be no good reason why an easy provision should not be made for urgent occasions. If an occasion should occur in which, during a disability presumed temporary, of the Lord Chancellor, the use of or the authority given by possession of the Seal, were urgently required and necessary for the public service, it appears to me that by the authority of the Queen, and with the consent of the Lord Chancellor, a satisfactory arrangement might be made without a Commission, or any other than a temporary and conditional transfer of the Seal. I believe, that in the profession of the law some person might at any time be found so qualified and so far trustworthy that Her Majesty, with the advice of her responsible advisers, including the Lord Chancellor, might properly intrust him with the temporary possession of the Seal for that particular occasion, or for a short limited time; and who for the public service, and from respect to, and for the ease of, the Lord Chancellor would be willing, without salary or hope of pension, without fee or reward of any kind, or any patronage, to receive the Seal conditionally for the particular occasion, or for a short limited time; and who having used it for the occasion or the limited time, would by the direction of Her Majesty restore it to the Lord Chancellor, either immediately or at the end of a week or a day. Upon an emergency such as I am contemplating, it is not necessary, nor is it becoming, to speculate upon a change of the Chancellor. Provision for an emergency is not perhaps quite so easy to make as it was before the statute of Elizabeth; but still it is practicable without any considerable inconvenience. By the authority of Her Majesty, and with the consent of the Lord Chancellor, there may be temporarily a vicarious possession of the Seal, giving to the holder for the time being authority to exercise on urgent occasions the legal and administrative, or *quasi* Ministerial, though not the political, duties of the Chancellor.

LORD CAMPBELL said, that having given his attention to this subject, he could fortify all that had fallen from his noble and learned Friend (Lord Langdale). Until the reign of Queen Elizabeth nothing was more common during the illness of the Lord Chancellor, or in the event of his desire to go abroad for a time, to transfer the Great Seal to a Vice-Chancellor. But the Act of Parliament passed during the period of Sir Nicholas Bacon's Chacellorship rendered that course impossible, and required that all the powers and privileges of the Lord Chancellor should devolve on the Lord Keeper.

Returns ordered forthwith.

INDEMNITY FOR LOSSES BILL, CANADA —FRENCH INTERVENTION IN ROME.

LORD BROUGHAM asked the noble Earl the Secretary for the Colonies whether he had received any account from the Governor General of Canada of the number of meetings which had been held, and of the petitions which had been presented to that nobleman—he believed that they were 79 in number—calling upon him to refuse his assent to the Indemnity for Losses Bill? There was nothing on that subject contained in the papers presented to Parliament, although there was an account of the number of meetings and petitions on the other side.

EARL GREY informed the noble and learned Lord, that in the papers presented to Parliament there was a reference to the fact of the Governor General having received a considerable number of such petitions as the noble and learned Lord had referred to. There was not, however, any list of those meetings and petitions given.

LORD ELLENBOROUGH said, that the papers which had been laid on the table respecting the French expedition to Civita Vecchia consisted solely of instructions to French agents at Vienna and Gaeta; there was no communication from the French to the English Government on the subject. When a conversation arose in that House a few evenings ago, he had asked the noble Marquess opposite whether he was prepared to lay upon the table, in distinct terms, the answer of acknowledgment or observation given by Her Majesty's Government to the communication originally made to it by the French Minister in this country? He had inferred, from what the noble Marquess had said, that he might be able to lay such a paper upon the table of the House. He, therefore, now repeated his question; he wished to ascertain distinctly whether the noble Marquess was prepared to lay on the table the letter of acknowledgment delivered by Her Majesty's Ambassador to the French Government in reference to its prior communication? He also wished to know whether any subsequent communication had been made to our Government by the French Government as to the changed character of its expedition to Rome? That change was considerable, as the French Government had originally sent a force of not more than 6,000 men, fancying that Rome would receive them as a friendly army, whereas it had now sent more than 30,000 men for the purpose of taking possession of Rome by force.

The MARQUESS of LANSDOWNE would repeat, to the best of his recollection, what he had stated on the former occasion, in answer to the first question of the noble Lord. No other communication had been made to the French Government besides those which had been already laid before the House. Any subsequent communication had been merely verbal between our Ambassador and the French Minister for Foreign Affairs. As to the second question of the noble Lord, he thought that, without referring to the papers, he might say confidently that no communication had been made to us by the French Government respecting the change which it had made in the destination of that expedition.

The EARL of ELLENBOROUGH said, that the Marquess of Normanby, our Ambassador at Paris, could not hold any communication with the Minister of the French Government on such a subject without having previously received instructions from home. Would the noble Marquess have any objection to lay those instructions before the House?

The EARL of ABERDEEN: The noble Marquess must recollect that on a former occasion he informed us that a communication had been made to us by the French Government of its intention to send an expedition to Rome, but that the Austrian Government had not made to us any communication whatsoever of any such intention on its part. Now, it turns out that the French Government made no communication to us at all. It had only communicated to us a despatch which it had directed to be sent to its Minister at the Court of Vienna; and that despatch it desired the French Ambassador at our Court to read to Her Majesty's Secretary of State. It made, however, no communication to us; whereas the Austrian Government, which the noble Marquess declared to have made no communication, left a formal declaration of its intention in the hands of our Government. Now, as the noble Marquess had laid upon the table a copy of the French communication to our Government, such as it was, he wanted to know whether the noble Marquess would have any objection to lay on the table the despatch of the Austrian Ambassador, which he had read to the Secretary of State for Foreign Affairs as explanatory of the intentions and conduct of his Government?

The MARQUESS of LANSDOWNE was understood to say, that from the observations of the noble Earl who had just sat down, he was inclined to think that he laboured under a total misapprehension of what had taken place between the English Government on the one hand, and the French and Austrian Governments respectively on the other. The communication which did take place between the Austrian Government and our Foreign Secretary was made in the course of conversation, and had not been converted into form. No record of it in form was in existence. In the case of the French Ambassador, he was not only authorised by his Government to make a communication to us in conversation, but he was also authorised to read to us a despatch, and to leave a copy of it with the Secretary of State for Foreign Affairs. In one case, then, there was an authentic document on record; in the other, there was not.

The EARL of ABERDEEN was sorry to be called upon to correct the noble Marquess. The French Ambassador was not directed to leave with, but only to read to, our Government the despatch which he had received from the French Government. The Austrian Minister at our Court had received the same instructions; and the despatch which the noble Marquess had laid upon the table was that which the French Ambassador did not leave with, but only read to, our Foreign Secretary. On a former occasion the noble Marquess had said that he held in his hand the communication read by the Austrian Minister. Consequently, that communication had an existence; for it must have existed before it could be read. As the Government of France had given its assent to the publication of its communication, he had no doubt the Government of Austria would also give its assent to the publication of its communication. To suppose that the conversation alluded to by the noble Marquess gave any communication of the intentions of the French Government was quite a mockery. What he wanted to know was, whether the Austrian document was not much more satisfactory than this stuff?

The MARQUESS of LANSDOWNE: I never stated that I had in my possession the communication of the Austrian Government. I said that a communication was made to Her Majesty's Government. The French Minister left a paper with the Foreign Secretary, which was received and is kept in the office as matter of record.

The EARL of ABERDEEN: I have not got an answer to my question. Will the noble Marquess lay upon the table the communication of the intentions of the Austrian Government made to our Government?

The MARQUESS of LANSDOWNE thought that the noble Earl must have already seen that communication. He had no objection to lay it upon the table, but with this observation—the Austrian Government had now presented that communication in form; when he (the Marquess of Lansdowne) last spoke on this subject it had not presented it.

LORD STANLEY said, that he did not

wish to express any opinion as to the nature of the communications made by the French Government. But he wished to ask this—whether, subsequently to the explanation which had in the first instance been given of the original views of the French Government in undertaking the Roman expedition, Her Majesty's Government had received or asked for any explanation of the motives which now actuated the French Government in their actual hostile attack upon Rome—a proceeding which, so far as could be judged, arose simply and solely out of the unwillingness of the Romans to receive within their walls the armed forces of another Power. That was the only reason which was known for the proceedings of the French Government and the French army; and he wished to know whether their Lordships had been correctly informed when they were told that under such circumstances, and in such a state of things, Her Majesty's Government had never either received or—mark that—asked for any explanation as to the course which had been adopted by the French Government, of the course which they had adopted in laying siege to and bombarding Rome, and of the object which had influenced them in the commission of this unprovoked and unjustifiable outrage?

The MARQUESS of LANSDOWNE could only repeat, that no formal communications had passed upon the subject.

LORD STANLEY had inquired whether Her Majesty's Government had applied for information.

The MARQUESS of LANSDOWNE said, that no communications had actually passed, but admitted that the subject was one which formed legitimate matter for inquiry.

LORD BROUGHAM must be allowed to put another question to the noble Earl the Secretary for the Colonies upon colonial matters. The noble Earl had stated that the Governor General of Canada, though he had not sent home the petitions which had been presented to him praying him not to give his assent to the Indemnity for Losses Bill, had still declared in the papers presented to Parliament that he had received a considerable number of such petitions. He (Lord Brougham) wanted to know whether Lord Elgin had sent to the Government at home any of such petitions, and, if not, why not? The 79 petitions —to which he had before alluded—were sent to him from meetings all held under the Colonial Act, which did not allow any public meeting to be held except under the authority of the sheriff or some other public functionary. His information was that those petitions comprised a very strong opinion against the Indemnity Bill from all the English districts of Canada. That, he repeated, was his information; and it differed very widely from Lord Elgin's account that there were numbers of petitions from the British inhabitants in favour of the Bill as well as against it.

EARL GREY observed, that in the statement which the noble and learned Lord had just made, he had not attended to the distinction between petitions presented before the Act was passed, and the petitions presented afterwards. The petitions to which the noble and learned Lord alluded, were not addressed to the Governor General, but to Her Majesty. As the noble and learned Lord had given him no notice of his intention to ask these questions, he had no special information on the subject; but he could tell the noble and learned Lord, from recollection, that the addresses and petitions against the Bill previous to its passing did not originate from public meetings. The petitions since that time —which called for the dissolution of the Canadian Parliament, and for the recall of the Governor General, Lord Elgin—had emanated from public meetings. No account of them, however, had been sent home from the Governor General, because the petitioners had not observed the general colonial rule, that all petitions to Her Majesty should be sent home through the Governor General. They had sent them home through another channel; and, as they had done so, he was not bound, in point of etiquette, to receive them. He (Earl Grey) had, however, as things stood, thought it better to waive the general rule, and had received them; but, as they had not been sent to the Governor General, he (the Earl of Elgin) could not give any account of them.

LORD BROUGHAM: My petitions were addressed to the Earl of Elgin, praying that he would withhold his assent to the Rebellion Losses Bill, and dissolve the Parliament. Therefore they must have been presented before the Act was passed. Has any list of these petitions been received?

EARL GREY: These are the petitions, I suppose, mentioned in general terms in the despatch of the Governor General, Lord Elgin.

LORD BROUGHAM: When Lord Elgin

gives a description of these petitions so different from facts, and when—

Earl GREY: I rise to order.

Lord BROUGHAM: Oh, then, I withdraw—I give in.

Earl GREY still claimed his right to speak to the point of order. He had no objection to answer questions put to him without notice; but he objected to the present proceeding of the noble and learned Lord, not because he was putting questions without notice—which was itself disorderly—but because he was making remarks derogatory to the public character of Lord Elgin, without having the fairness to bring before the House any question on which it would come to a decision. If the noble and learned Lord thought that Lord Elgin's conduct in Canada was in any respect derogatory from his position as Governor General, let him bring it fairly and distinctly before the House; but it was most irregular that, under the guise of asking a question, he should convey insinuations of the most offensive character against that nobleman.

Lord BROUGHAM did not know whether he was to learn order from the noble Lord opposite, or from the Orders of the House, and his own long experience of them as a Member of it. But this he knew, that he had that to state which would relieve him from all charge of indulging in offensive insinuations—which he had never made—or of violating the Orders of the House—which he had never violated—or of acting in the spirit of a too inquisitive curiosity, by which he had never been influenced. His noble Friend the noble Marquess opposite, in a different mode from others, that was to say, with his usual suavity, had allowed all the inquisitive powers of his noble Friend near him (the Earl of Aberdeen) to be applied to him without wincing, for the purpose of extracting information, and had not taken refuge in the pretext either of order, or of irregularity, or of inquisitiveness; but he (Lord Brougham) could not ask a question without having a direct charge brought against him of having made offensive insinuations against the Governor General. He would conclude with a Motion, that he might not be out of order, for he must defend himself against the charge of insinuating any thing offensive against Lord Elgin. What he said was this—Lord Elgin, for whom his respect was undiminished—that, he supposed, would be called an offensive insinuation — Lord Elgin, for whom, he repeated, that his respect was undiminished, though he differed from his Lordship on one point, could not have meant the same thing with the noble Earl opposite. Would any one argue from that passage of Lord Elgin's despatch, that he alluded to those seventy-nine petitions and addresses, all agreed to at public meetings called by public officers, mayors, and sheriffs, every English district having joined in this movement, and all praying that he would withhold his assent from the Bill which the two branches of the Legislature had passed, and that he would dissolve the House of Assembly? Therefore, it was most natural to say that Lord Elgin never could have intended to describe these petitions and addresses by that language, and must have intended to allude to a different period of time and subject-matter. The noble and learned Lord concluded by moving that an humble address be presented to Her Majesty that She would be graciously pleased to order to be laid before the House copies of any addresses or petitions, or communication from the Earl of Elgin, respecting any addresses or petitions, against giving the Governor's assent to the Canada Indemnity Bill.

Earl GREY replied, that all the papers which were in possession of the Government bearing on the subject had been already laid before the House. The noble and learned Lord said he meant nothing offensive to Lord Elgin. Their Lordships all knew the noble and learned Lord's manner of dealing with these subjects, and, therefore, could be at no loss to understand what he meant. He was quite convinced, knowing the reference in the despatch was to those very petitions, what it was the noble Lord intended, when he said his respect for Lord Elgin was undiminished, and, therefore, he had not the least idea that these were the petitions or addresses to which the noble Lord could have alluded.

INCUMBERED ESTATES (IRELAND) BILL.

Order of the Day for the Third Reading read.

Lord CAMPBELL moved the third reading of this Bill, with the Amendments introduced by the Select Committee. There was only one portion of the Bill to which he thought it necessary to direct their Lordships' attention, with the view of diminishing the public alarm in respect to a clause introduced by the Select Committee.

This was a clause empowering the owner of an incumbered estate to prevent the sale of that estate by the Commissioners, if the incumbrance upon it were not so heavy as to absorb half, or more than half, of the entire annual income. He had objected to the introduction of that clause, and his opinion still was that the Bill would have been better without it. It never could be supposed that the Commissioners would proceed to the sale of an estate against the will of the owner, unless it were irrevocably incumbered. There could have been, therefore, no good ground for the alarm which had been excited. He had heard it stated that, as the Bill stood, no good title could be given by the Commissioners, and that, instead of a Parliamentary title, their title would not be so good as an ordinary conveyancing one. But this objection did not entertain the condition on which the jurisdiction of the Commissioners was to be exercised. The owner of the estate was allowed, as he had stated, under certain circumstances to stop the sale; but when these circumstances did not exist, then the Commissioners would, of course, proceed as if the clause had no existence; and, by a distinct proviso which he had introduced, their decision was to be, to all intents and purposes, final and conclusive. Under these circumstances, if the other House of Parliament should agree to the clause, he thought that it would not materially interfere with the power of the Commissioners. He trusted that the Bill would now receive its third reading, and that it would lead to beneficial consequences. He did not expect any very radical improvement to be at once effected by it. The want of purchasers would, he feared, operate injuriously; but still he hoped not only that there would be in this country a disposition to invest money in Irish landed property, but that there was a prospect of the Corporation of London taking up the matter in such a way as to make it probable that a plantation scheme would be undertaken which would emulate the example set by the same body in the reign of James I.

The EARL of ST. GERMANS thought that in the wording of the clause it ought to be made clear whether by "income" was to be understood the rental or receipts arising from the estate.

LORD CAMPBELL replied that no question of the kind could arise, the decision of the Commissioners being final and conclusive. The Commissioners would not look to the nominal receipts, but to what might be fairly considered as the *bonâ fide* income.

The EARL of GLENGALL objected to the unconstitutional character of the Bill. He should not have risen now, however, had it not been that the noble and learned Lord had alluded to the probability of a movement being made in the City to purchase waste land in the west of Ireland, in Galway, Connemara, and Donegal. Now, he was sure that every shilling invested in the tillage of these waste lands would be thrown away. Nothing could give him greater pain, and nothing could be more adverse to the interests of Ireland, than that gentlemen who had invested their capital in the purchase and tillage of waste lands, should absolutely lose every pound of their money. A religious society (the Monks of Mount Melleray) had endeavoured to reclaim some of those waste lands, and had failed so completely that they were now paying 50*s*. an acre for good land near Mount Melleray, in the county of Waterford, in order to obtain the means of living. The Waste Land Improvement Society had taken a great quantity of land, in hopes of being able to bring it into cultivation; but they had been obliged to relinquish the enterprise, not being able to obtain a shilling in return for the money expended. Those waste lands in the west of Ireland were totally unfitted for agriculture, and every shilling laid out upon them would be lost. They had had very voluminous reports published some years ago, in which the capabilities of these waste lands were highly spoken of. But the persons who had drawn them up had been obliged to eat their words of late, and to allow that where ground had not a solid foundation—alluding, of course, to the turf bogs—it would not do for agricultural purposes. Those gentlemen who were speculating in the waste lands in the west of Ireland were labouring under a great delusion, and he thought it would be a pity not to warn them in time.

The Bill read 3^a, with the Amendments, and passed, and sent to the Commons.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 28, 1849.

MINUTES.] PUBLIC BILLS. —— 1° Consolidated Fund (3,000,000*l.*); Estates Leasing (Ireland).

2° Leasehold Tenure of Lands (Ireland); Turnpike Trusts Union.

Reported.—Police of Towns (Scotland); Turnpike Roads (Ireland); Pupils Protection (Scotland); Marriages in Foreign Countries Facilitating; Sewers Acts Amendment (No. 2).

3° Mutiny and Desertion (India).

Petitions Presented. By Mr. Fox Maule, from Glasgow, and several other Places, against the Marriages Bill.—By Mr. Morris, from Carmarthen, for Repeal of the Duty on Attorneys' Certificates.—By Lord Nugent, from the Guardians of the Aylesbury Union, for the County Rates and Expenditure Bill.—By Lord Hotham, from Bungthorpe and Kirby Underdale, Yorkshire, for Agricultural Relief.—By Mr. Robert Clive, from Shrewsbury, for an Alteration of the Bankrupt Law Consolidation Bill.—By Lord Ashley, from George Chapman and others, for the Establishment of Boards of Trade; and from the Medical Officers of several Poor Law Unions, for Redress of Grievances.—By Mr. Henry Stuart, from Kingston-upon-Thames, for an Alteration of the Poor Law.—By Mr. Plowden, from Newport, Isle of Wight, for a General Amnesty for Political Offences.—By Mr. Robert Clive, from the Church Stretton Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Abdy, from Lyme Regis, for the Protection of Women Bill.—By Mr. Cowan, from Edinburgh, against the Public Health (Scotland) Bill.—By Mr. Milner, from the York, Newcastle, and Berwick Railway Company, for the Railways Abandonment Bill.—By Captain Berkeley, from Gloucester, for an Alteration of the Sale of Beer Act.—By Mr. Wodehouse, from Loddon and Clavering, Norfolk, for the Removal of Smithfield Market.—By Mr. Cobden, from Todmorden, for the Formation of Treaties by which International Disputes shall be referred to the Decision of Arbitrators.

POOR RELIEF (IRELAND) BILL.

The House went into Committee upon this Bill; Mr. Bernal in the chair.

Clause 1.

Sir G. GREY moved as an Amendment that in Clause 1, after the word "shall" in line 16, all the words to the end of the section should be omitted, and that in lieu thereof there should be inserted the following words:—

—"prevent the making in any electoral division of any rate or rates for the payment of any expenses incurred on account of such electoral division before the said 29th day of September, or for the payment of any excess to be charged or chargeable upon any union at large as hereinafter mentioned, or for the payment of any sum or sums of money under the authority of an Act passed in the present Session of Parliament, entitled 'An Act to make provision, until the 31st day of December, 1850, for a General Rate in Aid of certain distressed Unions and Electoral Divisions in Ireland.'"

Mr. MONSELL objected, that it would be abandoning the principle of a maximum to levy a rate in addition to the maximum rate, for the purpose of paying off the debts of the unions.

Sir D. NORREYS asked if it would not be better to make this question of arrears a question for the Government to take up, so that in future the poor-rate could be collected in Ireland without those overwhelming debts? It would be better for the Government to advance the money for those debts, taking ample security for the repayment of the advances by the land being mortgaged to secure them.

Mr. E. B. ROCHE was very much afraid that the Government had not well considered the proposed alteration. They proposed now to make a provision which, if put in force, would supersede and vitiate the maximum rate, for the principle of the maximum rate would fall to the ground in any place they applied it. By attempting to get the arrears in the way proposed, they would destroy the principle of the maximum rate.

Major BLACKALL said, that by a temporary law passed to relieve certain districts, it was proposed to make a serious change in the poor-law with respect to the rest of Ireland. They could only carry it out in places that were not greatly distressed; and in those places it would have a bad effect, because it would prevent exertion.

The ATTORNEY GENERAL said, it was not proposed by the Amendment to touch the law as it now is, but merely to enact that the old rates levied be continued to be levied for payment of debts. Then for future charges they would make no rate beyond 5*s.* in the pound.

Mr. STAFFORD said, if he understood the proposition, the rate for the debts was to be a separate rate. If it were made a separate rate, the chances of that rate being collected were absolutely nothing. The principle of the maximum rate had been asserted for the purpose of luring capitalists to invest their money; but before they had passed through the first clause it was announced from the Treasury bench that the maximum rate was a fallacy—in fact, that there is to be no maximum, and that the whole question is to be placed in the hands of the Poor Law Commissioners. He had to congratulate the Government on the progress they were making.

Mr. CONOLLY remarked that by this new clause it was proposed to proceed on the original principle of the poor-law, whereas in the original clause it was proposed to introduce the newfangled principle of a maximum rate. Those two principles were as different from each other as could be possible, and he could not see how one Act of Parliament could proceed on two different principles.

Sir J. GRAHAM said, that a maximum rate having been decided upon, the question was how they were to deal with an immense difficulty arising from the state of certain unions in Ireland. He held in his hand an account, applying only to thirty-two unions, from which it appeared that on the 25th March, in the present year, they owed 231,000*l.*, and there was an estimate as to how the account would stand on the 29th September, which left them in an additional deficit of 270,000*l.* in those thirty-two unions—a debt amounting to about half a million. For those unions the rate required would not be 5*s.* in the pound, but 25*s.* in the pound; and even by that rate they would not be able to raise that sum. It would be very desirable to understand from the Government how they proposed on the 29th September to meet this debt of half a million in those thirty-two unions. It was quite certain that unless some provision was made for the payment of the debt, no contractor would supply them with a pound of meal.

The CHANCELLOR OF THE EXCHEQUER said, the right hon. Gentleman had not taken into account the amount of rate that might be collected, or the advances from the Treasury. If he had done so, then he would find that the amount of the debt would be diminished by the rate collected in the interval and the advances from the Treasury.

SIR J. GRAHAM: The account certainly does exclude the advances to be made by the Treasury, but it includes the rate that may be collected.

SIR G. GREY: The advances from the Treasury will go to reduce the amount of the debt.

SIR J. GRAHAM: As to the 270,000*l.*, the account certainly excludes that advance from the Treasury.

MR. E. B. ROCHE: If the Executive Government said there were distressed districts in Ireland in which the poor-rates could not be collected, it rested with them to advance the money, and wait for repayment until the expenditure was so far below the maximum as to leave a margin for the payment of the debts thus contracted. He did not wish to see the philanthropic individuals who had, however unwisely, advanced money to prevent the poor from starving, cheated or wronged out of their money.

SIR J. B. WALSH said, it appeared that by the Amendment of the right hon. Gentleman the Secretary of State for the Home Department, a power was given, notwithstanding the maximum, of levying new rates for the discharge of debts still existing; and those properties which had already paid their quota would have to pay again on account of the insolvent properties, the owners of which were not able to discharge their arrears.

MR. F. FRENCH considered that the Government clearly destroyed the maximum by this Amendment. There was now a maximum of 7*s.*, with an indefinite amount of arrears also to be met.

SIR W. JOLLIFFE said, the present position of this question was extremely puzzling to English Members. The Government had adopted a maximum rate for all Ireland, and with respect to the existing debt they must adopt one of three courses. They must either repudiate the debt, or advance money and take the debt upon themselves, or else the maximum rate could not be applied in those portions of the country in which these debts existed. It was clear that if the Government did not make some provision for the payment of these debts, their maximum rate at once fell to the ground. Besides these specific union debts, the poor-rates of Ireland were chargeable to the repayment of 3,000,000*l.* which had been advanced from the public Exchequer. If there ever was any security for the repayment of this money, the proposed limitation in the amount of rates to be levied was, *pro tanto*, a diminution of that security.

COLONEL DUNNE was anxious the House should consider the question, for the purpose of seeing what was to be done. He had supported the Government in their proposition for a maximum rate. and he was greatly surprised to find them now making a proposition that would do away with that maximum rate.

MR. E. B. ROCHE wished to know whether, if the proposed Amendment were agreed to, the effect of it would be that in no electoral division a larger sum than 7*s.* in the pound should be collected?

MR. H. HERBERT said, the position in which matters stood had been aptly described by one of the Government inspectors, who said, "Everything appears to be going on satisfactorily with the exception of"— what?— "the state of bankruptcy to which the vice-guardians are reduced. Every union is in a satisfactory condition except that it is utterly bankrupt; they have neither credit nor funds."

Sir L. O'BRIEN said, that the whole difficulty arose from applying a poor-law to a state of famine.

The CHANCELLOR of the EXCHEQUER stated that the object of the Bill was to impose a maximum rate, and it would leave untouched the liabilities already existing. If the uncollected rates were sufficient to discharge the debts, they would be paid from that source; if they were not sufficient, the proposed Amendment would come into operation. With respect to all future liabilities, whether for the maintenance of the poor or for the repayment of advances charged upon the unions, which might become due and payable from the poor-rate after the 29th of September, a 5*s.* rate upon the electoral divisions, a 2*s.* rate upon the unions, and the 6*d.* rate in aid, would be all that would be levied.

Sir J. GRAHAM said, he was sure that there was no hon. Member in that House who would not most cordially join with Her Majesty's Government in removing any impediment to the influx of capital into that country. Nothing could be clearer than the statement just made by the right hon. Baronet the Chancellor of the Exchequer as to the state of the law after the 29th of September—that thenceforth the principle of the maximum rate would be strictly carried out, and that no annual charges for any debt, or any current expenses for the maintenance of the poor, should then exceed the amount to be collected from a 5*s.* rate in the electoral divisions, a rate of 2*s.* in the unions, and the rate in aid. But it was important that they should come to a clear understanding as to what was the liability of property in those thirty-two unions to which he had referred. They had already come to a pretty clear understanding that with respect to the debts contracted on account of the maintenance of the poor up to the 29th of September next, it was possible that a sum of nearly 500,000*l.* was due; making the abatement from that amount of the sum suggested by the right hon. Baronet to be advanced on security of the rate in aid between the present time and the 29th of September, it might probably be reduced to about 400,000*l.* He wished, then, to know whether there was not, in addition to that sum, a still further amount due from those unions? He held in his hand an account of the sums paid by the unions in Ireland towards the repayments of advances made under the Temporary Relief Act, from which it appeared that on the 5th of April last there was due from the whole of the unions in Ireland a sum of 835,000*l.* There was included in that sum the debts due from those thirty-two unions on that account, which was to be added to the other amount to which he had previously referred. He had not had sufficient time to take from the return the amount due by these unions; but there was no doubt that it was a considerable sum. There was clearly, on account of the poor-rate, a sum of 400,000*l.* due; and there was also their share of the debt due to the public, for advances made of 835,000*l.* What he wished to understand was, the position of a capitalist about to invest his money in any one of these thirty-two unions having the security of a prospective maximum rate, by which, if it became law, he would be secured from all future debts, and any share of future repayments to the Government. What would be the position of a purchaser of property with respect to the present very large outstanding debt? He was opposed to the maximum rate, he was not opposed to the Amendment, because the effect of it would be to set aside the principle of the maximum rate. He, however, wished to know from the Government how they proposed to deal with these large outstanding debts upon the two accounts, and what would be the position of a purchaser with respect to arrears due, and whether they would be charged upon the land which he might purchase?

The CHANCELLOR of the EXCHEQUER said, that upon reference to the account referred to by the right hon. Baronet, he found that, after deducting the amount standing to the credit of those thirty-two unions, and the amount expected to be collected in the course of the half-year ending the 29th September, 1849, the probable deficiency would be about 270,000*l.* The sum which it would be necessary to furnish from the Treasury, on the security of the rate in aid, would probably amount to 220,000*l.* He had already taken a vote of 100,000*l.*, and he intended to take an additional vote of 120,000*l.* Those two sums would have to be deducted from the sum of 270,000*l.* With respect to the other debt of 231,000*l.*, a large portion of that had been paid off, and the remainder would be a charge upon the unions, which it was intended to cover by the rate in aid and the present uncollected rates. Those being debts principally owing to contractors, they did not propose to affect the chances of recovering them by any measure which they proposed.

MR. POULETT SCROPE said, that he thought it most important that the claims of the contractors should be satisfactorily disposed of. It appeared to him that there were only two courses open for doing so, either to sell the land in order to obtain the required funds, or to advance a sufficient sum from the Treasury to enable the bankrupt unions to clear off their debts.

MR. E. B. ROCHE said, that the question raised by the proposed Amendment was simply whether they would adhere to the principle of the maximum rate or not. In the present instance there were a number of distressed unions in which they wished to see capital invested. A few days since the House agreed to the principle of a maximum rate, and the Government now came forward to ask the House to assent to a principle by which, instead of a maximum rate of 7*s.* in the pound, they might be called upon to pay a rate of 30*s.*, thereby perfectly vitiating the principle already adopted.

LORD C. HAMILTON wished to know whether, in the case of a union consisting of twenty electoral divisions, five of which were insolvent, and the remaining fifteen in a position to contribute their fair quota towards the repayment of the advances made from the Treasury, the Government would receive such portion as might be so contributed, or whether they would insist upon compliance with the orders of the Treasury, and require the full amount of the instalment to be paid?

The CHANCELLOR OF THE EXCHEQUER said, that in such a case he might perhaps reconsider what he thought not a very wise resolution, and take as much as he could get.

Amendment agreed to.

MR. SHAFTO ADAIR then moved the following Proviso to the Clause:—

> "Provided always, That such yearly limit of Poor's Rate specified in this Act, shall be in force for the period only of five years from the passing thereof, and thence to the end of the then next Session of Parliament."

Unless this proviso were adopted, if Parliament thought fit to alter its course of legislation on a future occasion, that could not be done without considerable disadvantage and discredit to its character for foresight and perspicacity. He proposed that a maximum rate should be temporary only, thinking that a period of six years would be quite long enough for its positive continuance.

SIR G. GREY must say, that all the arguments on which a maximum rate had been recommended to and adopted by the House, were inconsistent with the proviso moved by his hon. Friend. The House might be taken to have agreed to the principle of a maximum rate, and to adopt the proviso would undo all that had been done.

MR. POULETT SCROPE could not at all agree with the view of the case taken by the right hon. Gentleman. The adoption of the proviso would give confidence to capitalists and proprietors, because no one would attempt the repeal of the law when the duration of a maximum rate was limited to a definite period. It was quite clear, in his opinion, that a maximum rate could not be adhered to for any length of time. In some places in England the poor-rates amounted to 10*s.* or 12*s.* in the pound; and he did not see how they could long maintain a law which enacted that only 7*s.* in the pound should be levied for poor-rates in Ireland.

Question put, "That the Proviso be there added."

The Committee divided:—Ayes 11; Noes 66: Majority 55.

List of the AYES.

Blackall, S. W.
Clements, hon. C. S.
Crawford, W. S.
Dickson, S.
Ferguson, Sir R. A.
Fortescue, C.
Gore, W. R. O.
Jolliffe, Sir W. G. H.
Nugent, Sir P.
Scrope, G. P.
Thicknesse, R. A.

TELLERS.

Adair, R. A. S.
O'Connell, M. J.

MR. SHARMAN CRAWFORD declared his intention of dividing the Committee against the clause. If the maximum rate were levied, there would be no reserve fund for the poor to fall back upon in case of necessity. He could not understand how any person who was in favour of the principle of a poor-law in England or Ireland, could sanction the principle contained in this clause; and he was particularly surprised at seeing the representatives of towns supporting this principle of a maximum rate. Being desirous of putting his opinion upon record, he should take the sense of the Committee on the question.

Motion made, and Question put, "That

the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 56; Noes 24: Majority 32.

List of the AYES.

Abdy, T. N.
Adair, R. A. O.
Armstrong, Sir A.
Bagshaw, J.
Baines, M. T.
Baring, rt. hon. Sir. F. T.
Barron, Sir H. W.
Bellew, R. M.
Brotherton, J.
Carter, J. B.
Cavendish, hon. C. C.
Clay, J.
Cowper, hon. W. F.
Craig, W. G.
Dawson, hon. T. V.
Dundas, Sir D.
Dunne, Col.
Ebrington, Visct.
Ellis, J.
Fagan, W.
Fortescue, C.
Fox, R. M.
Gibson, rt. hon. T. M.
Grey, rt. hon. Sir G.
Guest, Sir J.
Harris, R.
Howard, Lord E.
Jervis, Sir J.
Keppel, hon. G. T.
Lascelles, hon. W. S.
Lewis, G. C.
Maitland, T.
Maule, rt. hon. F.
Norreys, Sir D. J.
O'Brien, Sir L.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Parker, J.
Power, Dr.
Rawdon, Col.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Rutherfurd, A.
Salwey, Col.
Scrope, G. P.
Shafto, R. D.
Sheil, rt. hon. R. L.
Smith, J. B.
Somerville, rt. hn. Sir W.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Wilson, J.
Wood, rt. hon. Sir C.

TELLERS.
Tufnell, H.
Hill, Lord M.

List of the NOES.

Archdall, Capt. M.
Bateson, T.
Blackall, S. W.
Chichester, Lord J. L.
Clements, hon. C. S.
Conolly, T.
Dickson, S.
Ferguson, Sir R. A.
Fitzpatrick, rt. hn. J. W.
French, F.
Grogan, E.
Herbert, H. A.
Jolliffe, Sir W. G. H.
Leslie, C. P.
Magan, W. H.
Maxwell, hon. J. P.
Monsell, W.
Naas, Lord
Napier, J.
Spooner, R.
Tyrell, Sir J. T.
Vesey, hon. T.
Vyse, R. H. R. H.
Walsh, Sir J. B.

TELLERS.
Crawford, S.
Stafford, A.

On Clause 2,

SIR G. GREY proposed, as an Amendment at line 5, to omit the words, "on the 29th day of September in each year," and to insert in lieu thereof, "as soon as possible after the 25th of March, which shall be in the year 1850, and in each subsequent year."

MR. CLEMENTS said, it would be more convenient to the ratepayers to have the rate collected in winter, rather than in summer; and if the 25th of March was substituted for the 29th of September, the rate must necessarily be collected in the summer months, when the ratepayers would be less able to pay.

MR. NAPIER inquired if the proposed alteration applied to the maximum rate as well as to the union rate?

The ATTORNEY GENERAL said, if the hon. and learned Gentleman looked to the clause, he would see that it applied to the union rate only.

MR. R. M. FOX said, that as the clause stood, the accounts were to be made up on the 29th of September, and if on that day it was found that the maximum rate was not sufficient, the union rate of 2*s*. was to be imposed, and would be continued for a year.

The CHANCELLOR OF THE EXCHEQUER said, that if the clause was allowed to remain as it was, it would be necessary on the 29th of September that a prospective estimate should be made of the union rate, and therefore, as a choice of evils, they thought it better to alter the date, so that when the rate was made, it should be a positive and certain one, and it was for that reason they had proposed the Amendment. If the Amendment were adopted, the accounts would be made up on the 25th of March next, and then submitted to the Poor Law Commissioners; but as a few months would elapse before they sanctioned the rate, the collection would take place in the beginning of autumn.

MR. VESEY was of opinion, that the great probability was that the 5*s*. rate would be found insufficient; and if the striking of the additional rate were postponed, as proposed by the Amendment, those electoral divisions in which there would be an excess over the 5*s*. rate would be obliged to go in debt.

The CHANCELLOR OF THE EXCHEQUER said, it was perfectly true that some of the electoral divisions would go in debt; but his great object was that the rate should be struck in the summer and collected in the autumn, which could only be done by adopting the Amendment.

COLONEL DUNNE thought the Chancellor of the Exchequer was proceeding on the right principle.

SIR R. FERGUSON thought they were going entirely contrary to the whole principle of the poor-law by the Amendment they proposed. He would suggest that upon the 25th of March they should ascertain the expenditure of the half-year then ended, and make an estimate for the next half-year, and authorise the amount of that estimate to be levied and collected; and if they did not do so, the result would be that some of the districts would go in debt.

Major BLACKALL considered, that nothing would be more unjust than to make the accounts up to March, and then make an estimate for the next half-year.

Mr. MONSELL observed, that the proposed words would have a retrospective effect, as the law would be made after the expenditure for the year had been incurred. This was palpably unjust, and he would suggest the substitution of the words "29th day of September" for the "25th day of March."

The CHANCELLOR of the EXCHEQUER said, that his hon. Friend's Amendment would delay the levy for the union for twelve months; and this fact, he apprehended, would counterpoise the inconvenience complained of.

Amendment proposed to the said proposed Amendment, to leave out the words "25th day of March," and insert the words "29th day of September."

Question put, "That the words '25th day of March' stand part of the proposed Amendment."

The Committee divided:—Ayes 40; Noes 18: Majority 22.

Mr. STAFFORD then proposed the Amendment which he had placed upon the Notice-paper, as follows:—"To leave out all the words after 'electoral division of such union,' in line 9." The principle to be decided by this Amendment was, whether the question of a union rate should be negatived or affirmed; and, after the full discussion which had already taken place on that principle, he would not now trouble the House with any arguments.

Amendment proposed, line 9, to leave out from the words "such union" to the end of the Clause.

Question put, "That the words 'and if upon an examination of such account' stand part of the Clause."

The Committee divided:—Ayes 43; Noes 18: Majority 25.

Mr. STAFFORD moved the Amendment of which he had given notice in the event of the former one being rejected, and which was "to omit the words, 'or so much thereof as with due diligence it has been practicable to levy.'" He said, there was not a point in the Bill of greater importance than that involved in those few words. When a maximum was proposed, it became a question as to the period when the power vested in the commissioners should be brought to bear. If any license were left at all, it would be as well not to establish a maximum rate. It was proposed to invest the commissioners with the power of deciding at what moment the maximum rate should cease in the electoral district, and the union rate should commence—a proposition which struck at the root of local self-government and dependence in Ireland. If a rate of so many shillings were struck, and only one shilling was collected, the Poor Law Commissioners, who might be at the other end of Ireland, who were without local knowledge, irresponsible, and from whose decision there was no appeal, might impose a rate of 10 per cent upon the whole property of the union. This was a violation of the first principle of the connexion between representation and taxation which they would not dare to commit in England. And why did they violate those principles in Ireland? On the tyrant's plea of necessity. Under the guise of liberalism, they were violating the great constitutional principle of liberty. However, this proposition of imposing a tax at the discretion of one or two persons, was not altogether without precedent even in England, for the present case was analogous to that of ship money, when the king propounded the questions whether he might not impose a tax upon the country in a case of necessity, and whether he was not the judge of the necessity of that tax? So now the noble Lord proposed that the Poor Law Commissioners should impose a tax of 10 per cent upon Ireland in a case of necessity, they being the sole judges of that necessity. If these words were allowed to remain in the Bill, great injury would be inflicted upon the rights of property. While they talked about making the poor-law the means not only of relieving pauperism, but of instructing boards of guardians in Ireland in self-government and in the administration of local affairs, what was the practical course they took? They went on centralising more and more, and by successive alterations in the poor-law diminishing the power of the boards of guardians, and increasing the power of the central board in Dublin. Thus they gave less and less encouragement to those who resided in their localities to fulfil their duties on the spot. He did not now speak of the poor-law in Ireland or in England, or of union rating, or electoral rating; but he declared that these words involved a wanton and gross injustice, attempted to be perpetrated by this Government upon their fellow-countrymen, no matter where. He took his stand against these words upon the broad ground of the connexion between representation and taxation.

Sir G. GREY said, the practical result of the Amendment, if adopted, would be to neutralise the adoption of the union rate. He said, if the hon. Gentleman meant to make it compulsory that every farthing of the rate struck, perhaps of five shillings, should be collected, all experience, both in Ireland and in England, would assure him that that was impossible. It would be easy to ascertain where due diligence had been used, without stipulating that every farthing of the rate struck should be raised. The Government proposed that it should be a *bonâ fide* rate, meaning thereby that due diligence should be used in the collection of it. The Amendment, however, went much further, and would have the effect of neutralising the adoption of the union rate. The hon. Gentleman was quite mistaken in supposing that the commissioners were authorised to impose a tax. They were merely authorised to determine, under the circumstances, upon whom the rate should fall, whether upon the union, or the electoral division.

Colonel DUNNE thought that the power would be much more safely entrusted to the guardians than the commissioners.

Mr. W. FAGAN believed from the experience they had of certain unions in the north of Ireland, that no rate would be collected at all unless authority were reposed in some one extraneous to the unions.

Mr. NAPIER said, the power might be much better left in the hands of those who were entrusted with the property of Ireland, the guardians who were on the spot, and able to judge of the circumstances. He maintained, the Bill would virtually give the commissioners power to impose a tax; when they found that one division was broken down or negligent, they would lay an extra tax upon the rest to support that division.

Mr. HENLEY said, the Bill as it stood specified no time within which the union rate was to be levied. He proposed that a percentage of the rate on the electoral division should be levied before they could apply to the union. Unless words to that effect, in some way modifying the Amendment, were adopted by his hon. Friend, he could not support him. The Amendment did not provide for the supposition of the people starving, whilst it forbade a rate in aid till the maximum of 5*s*. was paid up. In fact, the Amendment would have the effect, by a side-wind, of getting rid of the rate altogether.

The CHANCELLOR of the EXCHEQUEY explained the effect of the clause to be, that some one must be satisfied that a *bonâ fide* rate had been collected to the utmost point that it could be collected, taking all the ratepayers into account.

Mr. CLEMENTS wished to know, in case a rate in aid levied upon the union were paid over to an electoral division, and some time afterwards the arrears in that division should be collected, he wished to know to whom the arrears thus got in would belong?

The CHANCELLOR of the EXCHEQUER replied, that arrears so collected would be repaid to the electoral divion, or go in diminution of some charge against it.

The ATTORNEY GENERAL said, that on the 25th of March in every year there would be a statement of accounts published, which would include the uncollected portions of the 5*s*. rate, and if any electoral division was in debt, there would be a union rate. If the arrears were afterwards collected, to whom would they belong? That was the question, and as the clause stood he had no hesitation in saying they would go to the credit of the electoral division upon which they had been levied.

Mr. MONSELL asked whether in such a case the 2*s*. union rate would not be part of the rate the following year?

The ATTORNEY GENERAL replied in the negative.

Mr. MONSELL pointed out the great differences between the collections in different unions, particularly between those in Galway and the poorer parts of Limerick; and suggested that, if 5*s*. 6*d*. or 6*s*. were named as the maximum, with a provision that 5*s*. should be collected, there would not be so much left, as at present, to the arbitrary power of the commissioners.

The CHANCELLOR of the EXCHEQUER said, it would be extremely difficult, if not impossible, to apply a general rule to all the different unions in Ireland. Something must be left to the discretion of those who were best able to judge of the circumstances of particular unions. It was notorious that in some unions it had been found impossible to collect the rates, and in others there had even been resistance.

MR. MONSELL thought the right hon. Gentleman had, in these observations, used the most conclusive argument against his own proposition for a 5*s.* maximum rate all over Ireland.

MR. GROGAN said, the Government were forcing a Bill upon Ireland which was decidedly opposed by a majority of the representatives from that country, and a Bill which in many respects was not applicable to it. Indeed, the right hon. Gentleman had just declared that it was impossible to lay down a general rule. Under these circumstances, he suggested that the law should remain as it was in those unions where it had been found to work well, and that the distressed unions should be treated in a different manner. Let not those who had paid their way and kept their ground be treated the same as those who had done neither. A plan of this sort would get rid altogether of the difficult question of arrears.

The CHANCELLOR OF THE EXCHEQUER denied that his observations were open to the construction of being opposed to the 5*s.* maximum rate. He complained, however, that the principle of the measure should be discussed upon the clauses. The House had already affirmed the principle, and the Committee were considering the details, and he begged hon. Gentlemen not to reopen questions which had been already settled.

COLONEL DUNNE recalled the attention of the Committee to the question before it —namely, the tribunal which should have the power of saying whether due diligence had been used in the collection of the rates.

MR. STAFFORD replied, he objected to a power of so much magnitude being given to the Poor Law Commissioners. They were already enabled to dismiss guardians and appoint vice-guardians, who could levy taxes without the shadow of representation.

Amendment proposed, page 2, line 23, to leave out the words, "or so much thereof as with due diligence it has been practicable to levy."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 79; Noes 23: Majority 56.

MR. VESEY moved the omission of words from the latter part of the clause, declaring that the guardians might apportion the excess of charge over 5*s.*, and pay it out of any money standing to the credit of each electoral division with the treasurer of the union. He thought this provision unjust, and referred to the observations of the Chancellor of the Exchequer with reference to the difficulty of collecting rates in some unions.

The CHANCELLOR OF THE EXCHEQUER denied, in the strongest terms, that he had said anything whatever to justify the supposition that resistance to the rate was any ground for exemption.

MR. VESEY had never said so. He only referred to it as an exemplification of the difficulty of collecting rates.

The CHANCELLOR OF THE EXCHEQUER was satisfied with the explanation. If the Amendment of the hon. Gentleman were carried, it would be necessary, in some instances, to strike an additional rate upon the electoral divisions, although there might be money in hand for the purpose of making payments. However, he had no objection to add the words "as they might think fit," to the clause, which would leave the matter at the option of the guardians.

MR. CONOLLY wished for some guard against surpluses being appropriated to purposes for which they were not granted.

Amendment, by leave, withdrawn.

MR. POULETT SCROPE complained that no provision was made for the expense of relieving the poor in cases where more than a 2*s.* rate would be necessary. In such a case the expense would have to be borne by the Consolidated Fund, and paid by the overtaxed ratepayers of this country. He thought that 5*s.* should be substituted for 2*s.* in the proviso.

LORD NAAS proposed to add a proviso to the effect that the commissioners should not levy the additional rate on any union, until after they received a certificate from the board of guardians that due diligence had been used in the collection of the 5*s.* rate.

SIR G. GREY was of opinion that the discretion should be left with the commissioners rather than with the guardians.

LORD C. HAMILTON said, as the commissioners must receive some information, all his noble Friend wanted was that the information should be authentic.

SIR G. GREY said, that the clause as it stood provided that a certificate should issue; and he thought it better that the commissioners should be at liberty to receive information from all quarters, instead of being bound by the acts of the guardians alone.

Sir L. O'BRIEN said, he had voted on all the other Amendments with the Government, but on this occasion he felt bound to vote against them.

Proviso proposed—

> "Provided always, that the Commissioners shall in no case levy such second rate, unless they have received a certificate from the Board of Guardians, stating that due diligence has been used in the collection of the 5*s* rate."

Question put, "That the proviso be there added."

The Committee divided:—Ayes 48; Noes 88: Majority 40.

Colonel DUNNE then moved the addition of a proviso, ralative to the striking of the union rate of 2*s*.

Proviso proposed—

> "Provided always, that it shall not be lawful for any Board of Guardians to strike the rate of 2*s*. in any Union for a longer period than two years from the 29th day of December, 1849."

Question put, "That the proviso be there added."

The Committee divided:—Ayes 38; Noes 103: Majority 65.

On the Question that Clause 2 stand part of the Bill,

Sir H. W. BARRON rose to move the omission of the clause altogether. The present rateable property of Ireland was totally incapable of supporting the poor, and those districts where it just managed to do so were already too much burdened in maintaining their own pauperism to be able to bear an additional tax as a rate in aid of the pauperism of other districts with which they had nothing whatever to do. A rate in aid no doubt was wanted, but let it be raised from an income and property tax upon Ireland; and then that species of property which was now entirely exempt from the fair share which all kinds of property alike ought to contribute for the relief of the poor, would be fixed with the new burden, as it ought to be; for it was unjust that one species of property alone should be crushed by the overwhelming weight of a tax that another species of property now totally exempt ought to bear in common with it.

Sir G. GREY said, that the question involved in the Amendment of the hon. Gentleman, had been previously discussed that evening, on the Motion of the hon. Member for Northamptonshire, and, therefore, it was not necessary for him to refer at length to the subject; but, in adopting that course, he begged it to be understood that he did not mean any offence to the hon. Member for Waterford.

Motion made, and Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 108; Noes 52: Majority 56.

List of the Ayes.

Aglionby, H. A.
Anson, hon. Col.
Armstrong, Sir A.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Bellew, R. M.
Berkeley, hon. Capt.
Blair, S.
Blake, M. J.
Boyle, hon. Col.
Brand, T.
Brotherton, J.
Butler, P. S.
Callaghan, D.
Carter, J. B.
Cavendish, hon. G. H.
Childers, J. W.
Cholmely, Sir M.
Craig, W. G.
Dalrymple, Capt.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Fagan, W.
Foley, J. H. H.
Fordyce, A. D.
Fox, R. M.
Freestun, Col.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Hallyburton, Lord J. F.
Hastie, A.
Hastie, A.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcoat, J.
Heywood, J.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hollond, R.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Jervis, Sir J.
Johnstone, Sir J.
Keppel, hon. G. T.
Kershaw, J.
Mildare, Marq. of
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, G. C.
Locke, J.
M'Gregor, J.
Meagher, T.
Maitland, T.
Matheson, Col.
Maule, rt. hon. F.
Milner, W. M. E.
Moody, C. A.
Morgan, H. K. G.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
O'Brien, Sir L.
O'Brien, T.
O'Connell, M. J.
Ogle, S. C. H.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pilkington, J.
Power, Dr.
Rawdon, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roebuck, J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Salwey, Col.
Scrope, G. P.
Sheil, rt. hon. R. L.
Smith, J. A.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Sullivan, M.
Talbot, C. R. M.
Talfourd, Serj.
Tancred, H. W.
Thompson, Col.
Thornely, T.
Vane, Lord H.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wyld, J.
Young, Sir J.

TELLERS.
Hill, Lord M.
Howard, Lord E.

List of the Noes.

Adare, Visct.
Archdall, Capt. M.
Bateson, T.
Blackall, S. W.
Brooke, Sir A. B.
Burke, Sir T. J.
Chichester, Lord J. L.
Christy, S.
Clements, hon. C. S.
Cole, hon. H. A.
Colebrooke, Sir T. E.
Corbally, M. E.
Corry, rt. hon. H. L.
Crawford, W. S.
Dawson, hon. T. V.
Dickson, S.
FitzPatrick, rt. hon. J.
Forbes, W.
Grace, O. D. J.
Granby, Marq. of
Greene, J.
Grogan, E.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Herbert, H. A.
Herbert, rt. hon. S.
Hill, Lord E.
Jones, Capt.
Ker, R.
Lawless, hon. C.
Leslie, C. P.
Lockhart, W.
Mackenzie, W. F.
M'Cullagh, W. T.
Magan, W. H.
Maxwell, hon. J. P.
Meux, Sir H.
Monsell, W.
Naas, Lord
Napier, J.
Newry & Morne, Visct.
Nugent, Sir P.
O'Flaherty, A.
St. George, C.
Smyth, J. G.
Stafford, A.
Taylor, T. E.
Tenison, E. K.
Vesey, hon. T.
Walsh, Sir J. B.

TELLERS.
Barron, Sir H. W.
Conolly, T.

Committee report progress; to sit again To-morrow.

ESTATES LEASING (IRELAND) BILL.

The House having gone into Committee on this Bill; Mr. Bernal in the chair,

Colonel DUNNE objected to proceeding at that late hour with a measure which went to alter the whole tenure of land in Ireland.

After a short conversation,

Captain JONES moved that the Chairman report progress.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee divided:—Ayes 29; Noes 105: Majority 76.

Preamble postponed.

House resumed. Committee report progress; to sit again To-morrow.

PALACE COURT (WESTMINSTER) BILL.

Lord DUDLEY STUART moved the committal of the Palace Court (Westminster) Bill.

The ATTORNEY GENERAL said, he had told his noble Friend, over and over again, that the Bill which he had brought in on this subject, and which stood for a second reading to-morrow, would abolish altogether the court from which his noble Friend proposed by the present Bill to remove causes. Under these circumstances, if his noble Friend persevered, he should move that the Bill be committed that day six months.

Lord DUDLEY STUART observed, that the hon. and learned Gentleman seemed to think that when he opened his mouth, no dog might bark. His hon. and learned Friend boasted of having brought in his Bill, but he did not at all events do so till he (Lord Dudley Stuart) brought in his own. The object of the Bill was to get rid of an intolerable nuisance — to remove cases from a close court to an open one. He accused his hon. and learned Friend and the Government of dilatoriness, and he thought it reflected no credit upon them that they should have allowed such a place as the Palace Court to remain so long. ["Hear!" "Divide!"] Hon. Gentlemen might be impatient, but the country was more impatient to get rid of this nuisance. If he carried on his Bill, would it prevent the Attorney General from carrying on his Bill also? Not at all. But if anything should hinder the Attorney General from carrying his—should he change his mind from any cause, his (Lord Dudley Stuart's) Bill would go a long way, if not the entire way, to remedy the grievance of the Palace Court. He did not mean any disrespect to his hon. and learned Friend or the Government, but he put very little faith in the assurances of Government. He did not think that they ever gave an assurance that they did not mean to fulfil; but he had had such experience of their infirmity of purpose, that he did not put implicit confidence in their assurances. The burnt child feared the fire. He was sure there were no more honourable gentlemen in private life in any country than the Members of the present Government. But as a Government, in their collective capacity, it was quite a different thing. He had known Government give assurances, and not fulfil them. He had known them give assurances of their intention to bring in a Bill, bring it in, read it a first and second time, and then at a late hour of the night abandon it. ["Name, name!"] He would give chapter and verse. The present Government did it only last year—in the year 1848. They undertook to bring in a Bill to relieve the metropolis from a great burden of police rate. Official letters were written to every parish in the county of Middlesex. The Bill was brought in, it received a first and second reading, and was then abandoned. And how did he know that something of the kind might not happen to this Palace Court Bill? Until he heard some better reason than had yet been offered, he should persevere with his own Bill; and he thought it would not do his hon. and learned Friend much credit if he were to put a spoke in the wheel of it.

CAPTAIN PECHELL said, that his noble Friend had given the House a proof that the Attorney General, if he had attempted to gag, had certainly not muzzled him. The noble Lord's Bill was before the House. The Attorney General's was not. They could judge of the one; they knew nothing about the other; and under such circumstances he thought his noble Friend was justified in persevering.

MR. J. A. SMITH was sincerely anxious to promote the noble Lord's Bill, but he was still more anxious to promote the Bill which the Attorney General had promised. He therefore trusted that the noble Lord would consent to put off his for a few days.

LORD DUDLEY STUART finally consented.

Debate adjourned to Monday next.

PROTECTION OF WOMEN BILL— ADJOURNED DEBATE.

Question again proposed, "That the Bill be now read a Second Time."

COLONEL SALWEY moved the adjournment of the debate; and said, that when the hon. Gentleman who had charge of the Bill recollected that when it was introduced it was so badly drawn that almost any school-boy could frame a better one—when he remembered that the right hon. Baronet the Secretary of State for the Home Department said that it was one, that if passed in its then condition, would bring disgrace upon the legislation of the country—and when he recollected that the hon. Member for North Warwickshire had himself admitted its want of extensive amendment — he could not be surprised that, much as he (Colonel Salwey) wished to see the object and intentions of the promoters of the measure carried into execution, he was justified in opposing one so ill framed. What he wanted to see was a perfect Bill, and he should therefore move the adjournment of the debate.

Motion made, and Question put, "That the debate be now adjourned."

The House divided:—Ayes 29; Noes 52: Majority 23.

List of the AYES.

Berkeley, hon. H. F.
Blackstone, W. S.
Blake, M. J.
Brotherton, J.
Butler, P. S.
Duncan, Visct.
Duncan, G.
Dunne, Col.
Greene, J.
Grey, R. W.
Hastie, A.
Henley, J. W.
Hodgson, W. N.
Kershaw, J.
Mackinnon, W. A.
Moffatt, G.
Mostyn, hon. E. M. L.
O'Connell, J.
Pechell, Capt.
Pilkington, J.
Rawdon, Col.
Reynolds, J.
Romilly, Sir J.
Stuart, Lord D.
Sullivan, M.
Talbot, C. R. M.
Thompson, Col.
Thornely, T.
Wilson, J.

TELLERS.

Salwey, Col.
Gibson, T. M.

List of the NOES.

Archdall, Capt. M.
Ashley, Lord
Baines, M. T.
Bellew, R. M.
Blackall, S. W.
Boldero, H. G.
Bruce, C. L. C.
Bunbury, E. H.
Carter, J. B.
Christy, S.
Cole, hon. H. A.
Craig, W. G.
Duncuft, J.
Dundas, Adm.
Dundas, G.
Ebrington, Visct.
Edwards, H.
Floyer, J.
Forbes, W.
Galway, Visct.
Grey, rt. hon. Sir G.
Grogan, E.
Haggitt, F. R.
Hayter, rt. hon. W. G.
Hervey, Lord A.
Hill, Lord M.
Howard, Lord E.
Jermyn, Earl
Jervis, Sir J.
Lockhart, W.
Mackenzie, W. F.
Matheson, Col.
Maule, rt. hon. F.
Miles, P. W. S.
Monsell, W.
Moody, C. A.
Morris, D.
Napier, J.
Newry & Morne, Visct.
Nugent, Sir P.
Paget, Lord A.
Paget, Lord G.
Patten, J. W.
Rich, H.
Rutherfurd, A.
Somerville, rt. hn. Sir W.
Spearman, H. G.
Tollemache, hon. F. J.
Verner, Sir W.
Vesey, hon. T.
Wilson, M.
Wyld, J.

TELLERS.

Spooner, R.
Beresford, W.

Question again proposed.

MR. MILNER GIBSON said, it was most unreasonable, after what had taken place, that the hon. Member for North Warwickshire should persist in going on with the Bill. The hon. and learned Attorney General had described to them what the imperfections of the Bill were, and until the House was aware of the Amendments to be proposed to rectify those imperfections, he thought the Bill should not be proceeded with. He hoped, therefore, the hon. Member would give time to consider the Amendments which he intended to propose; and unless he did so, he (Mr. Milner Gibson), although he did not wish to give any factious opposition to the Bill, would move the adjournment of the debate.

Whereupon Motion made, and Question put, "That this House do now adjourn."

Mr. H. BERKELEY had voted last night with the hon. Member for North Warwickshire; but he must say that it behoved that hon. Member to keep the promise which he had made to the hon. and learned Attorney General, that he would introduce such alterations into the measure as would make it a practicable one. The Bill had been described as a mere farce of legislation, and he did trust that until it was made more perfect, it would not be proceeded with.

Sir G. GREY said, it was not usual to propose Amendments to a Bill until after the second reading, and when the Bill went into Committee, where alone the opportunity would be afforded to the hon. Member for North Warwickshire to propose his Amendments.

Mr. THORNELY thought the Bill was so inefficient in its present state, that the House could not well proceed with it.

Mr. SPOONER really hoped, after what had fallen from the right hon. Baronet the Secretary of State for the Home Department, the House would consent to the second reading of the Bill, as the Amendments which he proposed to introduce could only be made in Committee; and considering the period of the Session, and the little chance there was of the measure being carried if it was delayed, he trusted hon. Members would at once consent to the second reading.

Colonel RAWDON was of opinion that time should be given to consider the Amendments which were to be proposed, the more especially as the hon. and learned Attorney General's words, describing the defects of the Bill, were very strong.

Mr. MILNER GIBSON said, as the hon. Member for North Warwickshire persevered, he would move the adjournment of the House.

Mr. SPEAKER said, the right hon. Gentleman could not do so, as he had already spoken.

Mr. A. HASTIE would, therefore, move the adjournment.

The House divided:—Ayes 22; Noes 53: Majority 31.

Viscount DUNCAN then moved the adjournment of the debate.

Mr. SPOONER said, that if hon. Members were in favour of the principle of the Bill, he was at a loss to know why they objected to the second reading, the more especially as 130 Members had last night recorded their votes in favour of it. But he would not any longer persist, but would consent to adjourn the debate.

Debate adjourned till Wednesday next.

Notice taken, that forty Members were not present; House counted; and forty Members not being present, the House was adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Friday, June 29, 1849.

Minutes.] Public Bills.—1ª Mutiny and Desertion (India); Alteration of Oaths.

2ª Administration of Justice (Vancouver's Island).

3ª County Cess (Ireland).

Petitions Presented. From Skipton, that Boards of Guardians may be Empowered to grant Superannuation Allowances to Poor Law Officers.

ADMINISTRATION OF JUSTICE (VANCOUVER'S ISLAND) BILL.

Earl GREY, in moving the Second Reading of this Bill, said that it would be necessary for him to say more than a few words in explanation of it. By the existing law all serious civil causes, and all serious offences committed in the British possessions on the north-west coast of America, were required to be tried in the courts of Canada. If the western territory of America had remained unsettled, that might have been a capital arrangement; but under the altered circumstances of the present time, justice must be ineffective if that arrangement were continued; for it would be impossible to send either the parties to civil causes or the parties accused of criminal offences to Canada, either by the route of the Rocky Mountains, or by a voyage round Cape Horn. It was, therefore, proposed to repeal this law so far as regarded Vancouver's Island, and to allow courts to be established there for the administration of justice. Power would be reserved for the local legislature of the island, whenever such local legislature was constituted, to alter and amend the constitution of those courts. The right of appeal to the Privy Council from those courts would also be given as soon as the courts themselves were established; and for the purposes of this Act the small islands adjacent to Vancouver's Island would be considered part of Vancouver's Island itself. The necessity for the introduction of this Bill arose out of the proposed settlement of that island; and he would, therefore, briefly state to their Lordships the nature of the arrangement recently made with that view. The colonisation of Vancouver's Island was to be undertaken by the Hudson's Bay Company. No political power, however, was to be transferred to that company; and conditions of a stricter nature would be imposed upon it than upon any company which had hitherto been intrusted with such a trust. In the first place, the Hudson's Bay Company was to defray all expenses of the settlement, government, and defence of the island under ordinary circumstances, but not in case of war, and were to bear those expenses until a sufficient revenue should be collected in the island for those purposes. In the next, the company was required to sell land on reasonable terms to all parties desirous of purchasing it ; and, in the third place, it was required to apply the monies which it received for the purchase of lands and minerals, after a moderate deduction for its own expenses, to the promotion of colonisation and the improvement of the island. Such was the nature of the grant of the island to the company. The government of the island was to be intrusted to a Governor selected by the company, and approved of by the Crown. The gentleman who was to be the first Governor had been recommended by the company, and he had every reason to believe that he was fully qualified for the service which he was to fill. It was not proposed to give any authority for legislation or for taxation to any public body in the first instance ; but the Governor was empowered to summon a Legislative Council as soon as there was a sufficient number of inhabitants to render such a measure advisable. Having thus stated the nature of the arrangement, and the object of the Bill, he did not think it necessary to add more than a few words in explanation of the manner in which that arrangement was to be carried out. It was an object of importance that the rights of the Crown to Vancouver's Island should be defined without delay. If no regular authority were created in that island, it was obvious that it would be soon irregularly occupied by parties whom it might be found impossible to remove hereafter. It was, therefore, absolutely necessary that a regular authority should be immediately constituted. But it was obvious that, if the Government were to undertake to organise such an authority, very considerable expense must be at once incurred. If, then, the settlement of the island were to be accomplished at all, it must be accomplished either by private individuals, or by some public company. Now, private individuals had not funds sufficient for such a purpose. The Hudson's Bay Company, however, were in possession of such funds. They had also a direct interest of their own in forming a settlement of this nature, as it would be of great utility to them in supplying their other settlements for the prosecution of the fur trade. With these observations in explanation of his Motion, he now moved the second reading of this Bill.

Lord MONTEAGLE said, that as he had last year brought this subject under the consideration of their Lordships, he now felt called upon to offer a few observations upon the proposal just made by the noble Earl. He had then stated his objection to the proposed mode of settling this island; but nevertheless he must admit that in whatever way the settlement of the island was carried out, there could be no doubt that provision should be made for the administration of justice within it. He presumed that the Bill had been so framed as to carry that object into effect. But the question itself, apart from that view of the case, involved considerations of no small importance, to which, as he had done last year, he desired to call the deliberate attention of Parliament. The discussion of last year had taken place so late in the year in the month of August— when so few Peers were in attendance, that he believed the subject had been very imperfectly understood. If there was one principle which, since the improved system of administration of colonial affairs had been adopted, had more than another been laid down by successive Colonial Secretaries, it was the principle that there should be a departure from the old system of making large grants of land to parties who were more or less irresponsible to public opinion, for the exercise of their functions. By no individual had that doctrine been more emphatically laid down than by the present Secretary of State for the Colonies; no person had more objected to a system of making grants of land in such a manner, thus depriving the Crown of the fair power of administering the functions of the colonies in a way calculated to promote the public interest. But what had the noble Earl done in regard to an island which contained the only supply of coal in that part of the world ? He had made a grant of the whole of it to a single company. The importance of Vancouver's

Island had been universally admitted, and never had its importance been more insisted on than at the time of the Oregon treaty. The importance of that island had been since greatly increased. There had been large settlements of American citizens in that neighbourhood, in consequence of the discovery of gold in California. Now, a grant of the whole of this island had been made to one company. When Prince Edward's Island was granted, not to one company, but to five or six individuals, no one had commented more severely on that grant than his noble Friend. But here was a grant of a whole island to a trading company, whose pursuits of the fur trade incapacitated them for the administration of the new functions which devolved on them as colonisers. If ever there was a company that had shown itself incapable or unwilling to perform the duties of colonisers, it was the Hudson's Bay Company. This company was originally founded by charter in the time of Charles II. In the time of William III. a Bill was passed conferring the charter for seven years, and on their application for a renewal the Bill was thrown out. Here was an admission that without a confirmatory law the charter was unavailing; that confirmatory Bill had never passed, therefore there were good grounds for doubting of the validity of the charter as a whole. The charter was, therefore, at best questionable, and ought not to be lightly dealt with. He thought it would be both dangerous, and contrary to public policy, to pass this Bill. If the measure were allowed to pass without notice, any future objections would be stopped with the taunt, "why did you not state your objections at the time?" He believed it to be inconsistent with the public interest to make a grant of this description to any one body alone, still more inconsistent with the public interest to make it to a body like the Hudson's Bay Company. He thought it highly impolitic to make this grant to a company with respect to whose charter there was still a doubt. Not denying the prerogative of the Crown to make such a grant, he still contended that it would have been a wiser, a more rational, and more constitutional course, before proposing that such power should be exercised, to have brought the subject distinctly under the consideration of Parliament. It was proposed, *inter alia*, that land in Vancouver's Island was to be sold at the abolute fixed and uniform price of 20*s.* per acre, when the Americans sold land equally productive, and at no great distance from the island, at 5*s.* 3*d.* per acre. How did his noble Friend (Earl Grey) conceive that under such different circumstances a settlement could be established in Vancouver's Island, and that British subjects would be so speculative—and not only so speculative, but so absurd—as to give 20*s.* when they could get land of equal value for 5*s.* 3*d.*? But he wanted to know more—he wanted to know how the land was to be granted. It was as necessary that they should be informed of the mode in which land was to be granted in the colony, as it was to explain in the House of Commons how public money was expended. Up to the present time all the grants of the Hudson's Bay Company had been accompanied with terms of such degrading and exasperating slavery, that no capitalist had ever submitted to take them. That was one among many reasons why the Hudson's Bay Company should not be intrusted with the business of colonisation. Moreover, that company was a great monopolist. Their Lordships were doubtless imagining that they were establishing a free colony and free institutions in Vancouver's Island. But if there were any settler whom the Hudson's Bay Company wished to drive from that island, they had a very easy and, with them, a very well-known system, of driving him from the settlement. They were an exclusively trading company. None but their vessels could carry freight to their settlements; and thus, by making all commerce on his part impracticable, and by charging him with rates for freight which deprived him of all chance of obtaining any remuneration for his industry, they could drive him as certainly from their dominions as if they were empowered to banish him by sentence of law. This was a grave charge, but it was capable of proof; for it was only the process of expulsion which they had carried into execution on the banks of the Red River and elsewhere. But it was said that precautions had been taken to prevent the injurious consequences of such a system of persecution, for the grant of the island was void in case they did not settle it within five years. But if a single family was settled on the island within that time, the condition of the grant was fulfilled, and there would be no legal power to reverse it. They could not look at the question before the House without considering the trade which was likely to pass the Isthmus of Panama, and although he did not think much of the trade from the colony as proposed to be established, yet when the passage of Panama was opened, there would be a great trade, which might have been made available for the benefit of the colony and this country, and that trade they were sacrificing in favour of a company, a trading company, without considering how the colony was to be occupied or carried on by that company. He had felt it his duty to call the attention of the House and the Government to this most important subject; and having discharged that duty, he left the responsibility of the measure, and the prejudicial consequences which would follow from it, on Her Majesty's Ministers.

The EARL of SELKIRK said, that being connected with the Hudson's Bay Company, of which he had been a director for many years, he could not help complaining of the gross accusations which had been brought against that company, and he would, with the leave of the House, endeavour to explain the matter on fair grounds. The noble Lord who had just sat down had confined himself particularly to two points, namely, that colonisation was inconsistent with the primary object of the company, that of carrying on the fur trade; and the other point was, that the noble Lord had taken exceptions to the legality of the company's charter—not the charter granted to them of Vancouver's Island, but the original charter of the company. That charter was granted, as they all knew, in the days of Charles II., and was granted for many purposes. There were charters granted at that time by which boroughs in this country held their franchise. With respect to the charter of the Hudson's Bay Company, it was not by any means an unusual one, for grants of territory had frequently been made in the same way. The only doubt was as to whether or not a portion of it had expired. He was perfectly aware that the noble and learned Lord below him (Lord Brougham) had given an opinion that the charter was not legal; but the facts had not been fairly stated. At the time the charter was granted, there was a great contest with respect to the fur trade, which had been continued until both parties had spent their money; and during that contest the Hudson's Bay Company, depending upon their legal right, in occupying their territory under the charter, did not of course take the initiative in bringing the validity of that charter in question; but when its adversaries did question it, the opinion of Sir Samuel Romilly was obtained, and he was distinctly and decidedly in favour of the validity of the charter. The opponents of the company also obtained the opinion of counsel; but if they felt that they could have maintained that opinion, did the House suppose that they would not have persevered in impugning it? But the noble Lord went on to say, that because the Hudson's Bay Company was a fur-trading company, it was incapable of carrying on the business of colonisation; and because their object, as a trading company, was to hunt animals, it could not be their object to establish a colony. Now he could assure their Lordships that the fur trade of Vancouver's Island was not worth anything, and where the land of the island was worth anything for cultivation, the fur trade must necessarily be unprofitable in those parts, for in them the fur-bearing animals did not exist: if any did exist there, the fur was very poor. The animals which bore the good fur were only to be found in the most inhospitable regions. The noble Lord had stated, that because the Hudson's Bay Company had a large extent of territory, they could not succeed in carrying out a colonisation scheme, and had not attempted to do so. Now, the reason why they had not colonised the territory granted to them, was because they had no means of supplying the colonists—it was because grain could not be raised in those territories, in consequence of the inhospitality of the climate. The district of the Red River was the only part of the enormous mass of territory possessed by the company where corn could be grown, and in that part the company had established a settlement. But in consequence of the geographical and isolated situation of that portion of their territory, the grain grown could not be made generally available. He did not then see in the House any noble Lord who had traversed the country except himself, although he believed, one or two Members of the House who were not present had done so. He would ask any noble Lord how the produce could be taken from the Red River? It could not be done for the purposes of exportation. He could state of his own knowledge that the Hudson's Bay Company, with the view of establishing settlements on the Red River, had gone to a great expense, and had spent much money to have cargoes for the vessels which went down the river; but from the nature of the navigation, those vessels which went down the river were sometimes detained a whole year before they could return. In fact, it was necessary that at their stations the Hudson's Bay Company should have a twelvemonth's consumption, in consequence of the immense quantity of ice. He thought he had said enough about the Red River settlement to show that there was no unwillingness on the part of the Hudson's Bay Company to establish colonies where it was practicable to do so. A great many statements had been made in the public prints on that subject, and some had been made elsewhere; but these statements were not true. The company had established the settlement on the Red River with the view of growing provisions, and all the provisions which were sent into the interior were obliged to be taken from that settlement. Before the granting of the charter which was the subject of discussion, the company could not have colonised Vancouver's Island. They were then a mere trading company, and had no power to colonise, and that was the reason which had induced the company, after some hesitation, to wish for the grant of the island. The interior of the island had been very little explored, and he could not therefore speak with precision; but the value of the land upon it was very much overrated. It was, however, essential to the Hudson's Bay Company to have some place upon which they could place their feet, and feed their cattle, and raise their corn; and as the whole of the neighbouring country was quite barren, their Lordships would see the importance of the island to the company in consequence. In the present state of affairs the company had undertaken the expenses, management, and colonisation of the island; and if the island had been left as it was, he could not see how they could possibly have prevented its being overrun by the squatters of the west, who, when they had established themselves there, could not be removed. They were now, however, relieved from the dread of the squatters; and if they should attempt to occupy the land, the Governor would step in and take the land from them. There was one other point to which he wished to refer. The noble Lord had said, when you are asking such and such a price for the land in Vancouver's Island, how can colonists be expected, when land is selling near at hand at a much cheaper price? Now, the noble Lord might know more about the American Government and the American continent than he (the Earl of Selkirk) did; but he would tell the noble Lord that where the land was selling at the price mentioned, the American Government had not "located" on it, and until the land had been elected into a territory of location, that was to say, divided into what was called lots, it was impossible for any person to have secure possession of it. There had been strong accusations brought against the company on that occasion, and which had been repeated elsewhere, with respect to the irregular administration of the company; but there was not one fact, or so-called fact, of those accusations which he could not deny and disprove. He denied them on the part of the company, and more especially on his own part, but he would not trouble the House by entering into them in detail.

Lord BROUGHAM said, that as reference had been made in the debate to an opinion of his, he felt bound to address a few words to the House.

Lord CAMPBELL: There is no reference to it in the Bill.

Lord BROUGHAM said, there were many things in a debate which were not to be found in a Bill. The validity of the charter had been very fully considered before the opinion to which allusion had been made had been given. That opinion was given by Sir Arthur Pigott, Mr. Serjeant Spankie, and himself, after great consideration; but they had what was better than any opinion—they had the Act of Parliament, the 2nd of William and Mary, which said in the preamble that the charter was to go on only for seven years. He had a great respect for the opinion of Sir Samuel Romilly and Mr. John Bell; but he must say, that if he was to have an opinion upon a point which was not one of equity, not one of Chancery practice (and both Sir Samuel Romilly and Mr. Bell were Chancery barristers), but one of mere common-law practice, he would not take the opinion of Sir Samuel Romilly and Mr. Bell against that of Sir Arthur Pigott and Mr. Serjeant Spankie; and he would say further, with respect to the opinions of all lawyers, whether of Chancery or the Queen's Bench or the Common Pleas, including his noble and learned Friend opposite (Lord Campbell), if they said the charter was legal, he would not care a rush for their opinions, because he found by the Act of Perliament that that opinion could not be right. It was monstrous to say, that a charter from the Crown could authorise a company to subject persons to pains and penalties, to seize upon their goods and ships, and to seize all interlopers upon the soil. He would not believe that if it was stated by all the lawyers and all the courts in England; but he did not believe that Sir Samuel Romilly or Mr. Bell had ever said any such thing—they might have said that some parts of the charter were legal, but he was sure they never said the whole was so.

The EARL of ABERDEEN: I am not at all disposed to find fault with the arrangement made by the noble Earl for the settlement and colonisation of Vancouver's Island. The great object of that arrangement is the satisfactory colonisation of the island. My persuasion is, that, except by some such mode as that adopted by the noble Earl, that colonisation would never have taken place. I believe the Hudson's Bay Company, under the restrictions imposed upon them by the noble Earl, and under the conditions on which they are to occupy the island, will be able to effect that colonisation, and that the public will have that interest in the settlement of the island which it is desirable to secure. The Hudson's Bay Company, having so vast an extent of territory, had for some time past made it a great object to hold possession of cultivated lands; and farms were established in that district which has since been ceded to the United States. They are no longer in possession of that territory; and if Vancouver's Island afforded them cultivated grounds, which, under the circumstances, were much more valuable than hunting grounds, they would have the means of facilitating the colonisation desired. I always considered this possession as one of very great importance, and one which it was for the interest of the Government and the country to manage in the best manner possible. Indeed, I have, perhaps, more reason to have its importance impressed on my mind than most of your Lordships, because it is the subject which gave me more uneasiness with respect to its possible effect on the peace of the country, than any other during the whole course of my official life. The question between the United States and this country lay within very narrow limits: it was, whether the boundary of the 49th degree of latitude should stop at the continent, or be carried through Vancouver's Island to the ocean. Had it been carried beyond the continent, it would have deprived us of the southern part of Vancouver's Island, and we should have lost the ports which will there afford facilities for commerce. As your Lordships know, the negotiations went on for a very long time, and under very alarming circumstances. I mention this to show that it was a subject the importance of which formerly occupied my thoughts very much; and I am happy to have the opportunity now of bearing my testimony that the conditions under which the arrangement with the Hudson's Bay Company has been made, will, as I believe, give full effect to the advantageous possession of Vancouver's Island.

LORD WHARNCLIFFE said, that they were all obliged to the noble Earl (the Earl of Aberdeen) for the care which he had taken when in office to secure Vancouver's Island to the British empire. Yet he must be allowed to take that opportunity to express his dissent from the conclusion to which the noble Earl had arrived with respect to the arrangement with the Hudson's Bay Company. He was quite ready to say that he did not go quite the length which some had gone in imputing improper conduct to the Hudson's Bay Company in their management of Vancouver's Island, for from the papers which had been laid before Parliament he could not say but that, upon the whole, he was disposed to arrive at the conclusion, as far as he had the means of judging, that there were no grounds for accusing the Hudson's Bay Company of extensive misconduct. It was impossible to believe that, even if such transactions had taken place in the Hudson's Bay Company's territories as had been alleged, there was any ground for supposing that the directors in this country were really responsible to any extent for such conduct. But it was not the question at issue. The question was simply, whether the noble Earl the Secretary for the Colonies, in providing for the colonisation of Vancouver's Island, had taken the proper course, and had promoted the interests of this country, in handing over the territory to the Hudson's Bay Company, that company being not only a company of very doubtful power, but having objects and pursuits that were altogether foreign to those of colonisation. It stood to reason, even without the authority of the noble Earl, that a company whose object was to occupy a very extensive territory for the purpose of trading, should be unwilling to admit settlers within their limits, or into their neighbourhood, for the purpose of cultivating the soil—a process which would be perfectly contrary to their views. But on looking through the correspondence which had been presented to the House, it was very clear what the objects were the Hudson's Bay Company had in view. It was a common saying that companies had no consciences, and he had always some suspicion of them. The first communication was dated the 7th of September, from Sir John Pelly, the governor of the Hudson's Bay Company, to the Colonial Secretary; and what did he ask? Why, he merely said that the Hudson's Bay Company, having made several settlements in Vancouver's Island, were anxious to know whether they would be confirmed by Her Majesty in the possession of such lands as they were prepared to add to those which they already possessed? Up to that time the objects of the Hudson's Bay Company were of the most reasonable description. His noble Friend had handed over to them some of the lands confirmed to England by the Oregon treaty, and they were naturally anxious to know what was to become of the rest of the territory. But, on the 24th of October, whatever may have been the reasons which encouraged the hopes of the company, Sir J. Pelly wrote again, no longer reasonably asking for a confirmation of possession of the lands, but saying that—

> "It would be a superfluous task to enter into the reasons which would render the colonisation of Vancouver's Island important, but it would be well to consider whether the object might not be most readily and effectually accomplished through the instrumentality of the Hudson's Bay Company, by giving them a grant of the island on terms to be hereafter agreed upon."

So that between the 7th September and the 24th October, Sir John Pelly, the organ of the Hudson's Bay Company, altered his demand from a simple and reasonable one to a request that the whole island should be handed over to the company. On the 14th of December, Lord Grey wrote to Sir J. Pelly, in answer to his first letter, saying that he was prepared to assent to the proposal that certain lands in Vancouver's Island and other parts of the territories of Her Majesty in North America, should be granted to the Hudson's Bay Company. But, on the 5th March following, Sir John Pelly wrote again, stating—

> "That if Her Majesty's Ministers were convinced that the territory could be more conveniently colonised through the instrumentality of the Hudson's Bay Company, than through any other means, the company were willing [singular condescension!] to undertake the management of all the territory belonging to the Crown north and west of Rupert's Land."

Which would include the whole country ceded by the Oregon treaty, including Vancouver's Island. That demand seemed to have startled his noble Friend, for in his answer—it was not a written reply, but was to be found in the account of an interview between the noble Earl and a deputation, of which Sir J. Pelly was one from the Hudson's Bay Company—he said, "Your proposal is too extensive for Her Majesty's Government to entertain." Sir J. Pelly said he was sorry to have been misunderstood, but that the fact was he did not see how the territory west of the Rocky Mountains could be divided. Now, he (Lord Wharncliffe) did not see why it could not be divided. Earl Grey ultimately made the grant, upon the terms which had come before their Lordships that day, of the entire territory of Vancouver's Island, which was given up for the sole advantage, for the purposes, and to the control, of the Hudson's Bay Company. Now, considering the pursuits of the Hudson's Bay Company, it seemed very doubtful that they were fit persons to be entrusted with such a gift of territory. His noble Friend told them that the territories under the control of the Hudson's Bay Company were barren, desert, wild, and desolate. That was the kind of country that the company had hitherto had to deal with; and now they were called upon, without any sufficient reason being shown—for he saw nothing in the papers which accounted for it—to undertake such a work as that of colonisation, to devote their attention to a very fertile district, to a country which was very unlike that described by the noble Earl, but which, lying as it did upon the western coast of the great continent, had a very different climate, one very much resembling the climate of this country, and consequently extremely well adapted for agricultural pursuits—this, too, in addition to great facilities in the way of navigation, and the alleged productiveness of most valuable minerals, all of which were thus handed over to this great fur-trading company, which never before attempted colonisation. It did not appear that his noble Friend asked how they were qualified for such an undertaking, but it seemed that he at once granted their application. He

(Lord Wharncliffe) could not help thinking that the history he had shortly given of these communications, was such as to justify some little suspicion and some strong expression that the real object of the Hudson's Bay Company was one that was not by any means unnatural upon their part, although he did not think it one which involved the promotion of the interest of this country—that it was, in short, the consolidation of the great monopoly which they think to hold under their present charter, whether legally or otherwise. He thought the present a fair opportunity for taking the liberty of stating the conclusions to which he had arrived, after paying some attention to the documents upon the subject presented to their Lordships.

The DUKE of BUCCLEUCH had not intended to have offered any observations upon the subject, being totally unconnected with the Hudson's Bay Company; but he came to different conclusions, upon perusing those papers, from those arrived at by his noble Friend who had just sat down. The territory west of the Rocky Mountains was uniformly described as a most wild and inhospitable desert—as a district hostile to anything in the shape of cultivation. And, further north still, approaching the confines of the Russian possessions, its character became worse from the severity of the climate. Upon reading the descriptions of the proceedings of the Hudson's Bay Company, it would be seen that their servants had the greatest difficulty at times in reaching their settlements or forts, to provision them; and the inmates were often in a state of almost perfect starvation, from the impossibility of supplies reaching them. All their provisions were brought to them from the south. In the summer season they had occasionally plenty of buffalo meat, but at other times they had nothing. There was the most abundant proof of the sterility of the country, and the impossibility, by any human means, of making it fit for human habitation. The Red River district was, he believed, habitable. Settlements had been made there. A Roman Catholic bishop was established there; and within a recent period this very company, that had been so fiercely attacked, had sent out a bishop of the Established Church. With regard to Vancouver's Island, it appeared to him that if a colony were to be established there, considering that the Hudson's Bay Company had a regular staff there, and a regular staff here, they were more likely to induce persons to settle there than if emigrants were left to go out there on venture. And as to their ignorance of agriculture, or their unwillingness to cultivate, they had given a proof of their ability to cultivate the land by their settlement upon the Columbia River, in the very part since given up to and now occupied by the Americans under the Ashburton treaty. As he had before stated, he had not intended to take any part in the debate; but when he heard noble Lords talking of the country as if they were dealing with Australia, and as if because these districts lay on the west of the continent and on the sea coast, the climate must, therefore, be warm and genial, and the soil fertile, while it was notorious that the soil and climate were directly the reverse, he could not avoid rising to correct the misapprehension which seemed to prevail.

EARL GREY said, it was extremely satisfactory to him to find that the noble Earl opposite, to whom the country was indebted for the pacific possession of the island in question, approved of the means which Her Majesty's Government had taken to colonise it. And, although during this discussion several noble Lords had objected to the arrangement, none had pointed out any other means of effecting the object. To show how little the subject was understood, the noble Lord on the cross-benches, who began the discussion, objected on account of the powers of the Hudson's Bay Company under their charter of Charles II., and adverted to the legal opinions given upon it. But he forgot that that charter did not extend to Vancouver's Island. Their powers over Vancouver's Island were taken under an Act of Parliament passed in the year 1823. With regard to their powers in Rupert's Land, they were not in question upon this subject. The power he had assumed them to possess, was merely that of suing and being sued. But with regard to the north-west territory, they did not even claim the right that was guaranteed to them under the charter of Charles II. They only claimed the right of exclusive trading with the Indians, which was secured to them when Lord Glenelg was Secretary of State in 1823. As to the rights of the company, there was no dispute whatever. No particular right, no particular powers, were given to them under the new grant; nothing was given them but merely the land of Vancouver's Island. His noble Friend said, that Parliament should have been consulted before such a grant was made, and he instanced the case of South Australia. But he (Earl Grey) was only surprised that the very monstrous powers conveyed by that Act, should ever have been granted by his noble Friend. The colony could not go on until it was repealed. Vancouver's Island was to be governed by a Governor appointed by the Crown, as in South Australia; and the company was only to have power over the land, as in the case of the Canada Company, the South Australian Company, the New South Wales Company, and the New Zealand Company. There had been a grant made of Prince Edward's Island, for the occupation of the land for the sole benefit of the company; but in the present case the land was confided to the Hudson's Bay Company merely as trustees for the resale of it to individuals who wished to settle. They were compelled to sell the land to any one who chose to pay the established price, and comply with the regulations. And, with only a very small deduction to repay their outlay and costs of establishment, the company were to lay out the entire proceeds in aid of the colonisation, and for the benefit of the colonists in the island. He believed his noble Friend was mistaken in thinking that colonists would be tempted to go to other places where land was to be had for nothing. He believed that colonists would find it very much cheaper to pay 20*s.* an acre for land in a colony where they were sure the price would be expended upon the land, than to go where they could get land for nothing, and be obliged to get on as they best could without any assistance. In Western Australia the experiment had been tried. The people got the land for nothing, and it was a ruinous bargain. In South Australia they had to pay 1*l.* an acre, and they were well pleased with their bargain. He thought it would be the same with Vancouver's Island, unless, indeed, as his noble Friend suggested, the gold mines of California might for a time prevent colonists from going farther north. The Hudson's Bay Company some time ago sent out a company of coal miners to the island. They would shortly send out another similar expedition. But, whatever might be the consequence, he thought the public were deeply indebted to the Hudson's Bay Company for taking upon themselves the whole risk and charge of settling the island, which, if they had not undertaken, would have remained a mere waste. And what was it of which the public, and the Crown, and the nation were deprived by this grant to the Hudson's Bay Company? Of what use was Vancouver's Island, lying unimproved and uninhabited? Of none whatever. Whatever it might be yet worth would be owing to the company. They must fill it with settlers in order to make it worth anything. And if it were true that there were private parties who wished to make settlements there, as his noble Friend seemed to hint there were, he had only to say that the Crown was still possessed of land to give away. There was Queen Charlotte's Island, in the immediate neighbourhood of Vancouver's Island, endowed by nature with the same advantages; and if his noble Friend would only bring forward the capital necessary, and undertake to form a British colony upon it, he (Earl Grey) should be most happy (if in office) to advise Her Majesty to make a similar grant of it to that which She had made of Vancouver's Island.

Bill read 2^{a}, and committed.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 29, 1849.

MINUTES.] PUBLIC BILLS.—1^{o} Benefices in Plurality (No. 2).

2^{o} Consolidated Fund (3,000,000*l.*); Excise Benevolent Fund Society; Small Debts Act Amendment; County Rates, &c.; Poor Law Union Charges Act Amendment.

3^{o} General and Quarter Sessions; Militia Ballots Suspension.

PETITIONS PRESENTED. By Mr. Foley, from Bromsgrove, for Universal Suffrage.—By Mr. Cowan, from Aviemore, against the Marriages Bill.—By Mr. Beckett Denison, from Dewsbury, for the Repeal of the Duty on Attorneys' Certificates.—By Lord Charles Manners, from Ashby-de-la-Zouch, for Agricultural Relief.—By Mr. Mullings, from the Society of Attorneys, Solicitors, Proctors, and others, for an Alteration, and by Mr. G. Turner, from Coventry, in favour, of the Bankrupt Law Consolidation Bill.—By Sir George Grey, from Tiptown, respecting Accidents in Mines.—By Mr. Reynolds, from Dublin, for an Alteration of the Municipal Corporations (Ireland) Bill.—By Sir C. Lemon, from the Falmouth Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Hobhouse, from several Places in Lincolnshire, for the Protection of Women Bill.—By Mr. Duncan, from the Royal Burghs of Scotland, against the Public Health (Scotland) Bill.

DIPLOMATIC INTERCOURSE WITH SPAIN.

VISCOUNT MAHON wished to ask the noble Lord the Secretary for Foreign Affairs, whether there were on foot any negotiations for the resumption of our diplomatic intercourse with Spain; and also, whether the consideration lately shown by Spain to the just claims of our merchants, would not, in his opinion, justify a conciliatory spirit on our part, in dealing with the apology and reparation which we had an undoubted right to claim from Spain?

VISCOUNT PALMERSTON said, it had been already stated in another place, that in the month of October last, a communication was made to the British Government on the part of the King of the Belgians, to the effect that a disposition existed on the part of the Spanish Government, to ask his good offices to bring about a good understanding between the Spanish Government and the Government of this country, and wishing to know if such would be agreeable to Her Majesty's Government. The answer given to that communication was, that Her Majesty's Government would be exceedingly glad to avail themselves of his good offices if he so thought fit to employ them. There had passed several communications, but chiefly verbal, since that time; but they had not, as yet, led to any result. With regard to the consideration shown by the Spanish Government to British merchants, he was not aware of the particular circumstances to which the noble Lord alluded. He had heard no complaints recently from British merchants, and, therefore, he was bound to suppose that the Spanish Government had not acted with injustice towards them; and yet there was no merit in that. But, as he understood, a modification of the tariff had been proposed by the Spanish Government to the Cortes—not, however, as a concession to England, or as a favour to the British Government or nation, but, he had no doubt, it was proposed with a well-considered regard to the interests of Spain herself. And he was sure that anybody who knew anything of the condition of Spain, must only marvel that the different Spanish Governments had not sooner seen how much their own interests were injured and sacrificed by the continuance of that most absurd system of tariff which had so long prevailed, to the impoverishment of the revenue of Spain, and to the detriment of her national industry. Yet these were Spanish affairs, with which we could not interfere. But if the noble Lord meant to say, because the Spanish Government had taken steps dictated by a regard to Spanish interests, but which, whatever they might be, had not yet brought any practical result, that on that account the British Government should show any less regard than it otherwise would do to the honour and dignity of the country, he (Lord Palmerston) was certainly not prepared to acquiesce in such an opinion.

POOR RELIEF (IRELAND) BILL.

The House then again went into Committee on this Bill; Mr. Bernal in the chair.

On Clause 3 being read,

SIR GEORGE GREY requested the hon. Member for Leitrim (Mr. Clements) to postpone moving his preamble to the clause, until his own clause was proposed at the end of the Bill.

MR. CLEMENTS proposed his Amendment, which was negatived without a division.

On the Question being put, "That the Clause stand part of the Bill,"

MR. STAFFORD intimated that he intended to move an Amendment for the restitution of words in a former Act. He called attention to the fact that they were then approaching the real amendment of the poor-law, for this third clause might well be considered as the first clause of a separate Bill. What he now asked was, that where the boards of guardians had properly and fairly discharged their duty, they should not have the insult and injury inflicted upon them of being compelled to give up the exercise of their power in a district where they had exercised their arduous duties wisely. What he wished to obtain was a provision that the money to be raised for the erection of additional workhouses, should be raised according to the discretion of the boards of guardians. If the boards of guardians, then, voted the sums for that purpose, they would have only to blame themselves if the Chancellor of the Exchequer was very severe and hard with them. He contended, that as the Poor Law Commissioners of England had no power to create new unions in England, and as the Poor Law Commissioners of Ireland had never exercised the power bestowed upon them, it would be most desirable for the Government to evince some feeling of encouragement to, and confidence in, those boards which had conducted the affairs of their unions in a satisfactory manner. He was far from saying that no new unions were necessary in Ireland. On the contrary, he believed that in the west of Ireland they were most urgently required; but in that part of the country boards of guardians were already appointed. It was most unjust to refuse to boards of guardians in Ireland the same local self-government which was enjoyed in

England. He should conclude by moving the following proviso, as an addition to Clause 3:—

Amendment proposed, at the end of the Clause to add the following Proviso:—

> "Provided always, That no such dissolution or alteration shall take place or be made, unless a majority of the Guardians of the Unions affected by such change, shall also consent thereto in writing."

SIR W. SOMERVILLE opposed the adoption of the Amendment. The hon. Member for Northamptonshire endeavoured to induce the House to return to a state of the law that had been found to work inconveniently and mischievously, and had offered no valid reason why the House should return to such a state of things. He wished to know whether it was right to place an executive body, like the Poor Law Commissioners of Ireland, in such a position as that the public could have it in their power to say that the Poor Law Commissioners took advantage of some default on the part of the guardians, and that, having dismissed them, they proceeded to divide the union. Let the House suppose a case where the division of a union was absolutely necessary; take the Ballina union, which was to be divided into four unions, by the recommendation of the Boundary Commissioners. Suppose that the guardians of the Ballina union were, from motives of economy, or any other reasons, to refuse to divide that union—ought there not to be, somewhere or other, a power to carry that division into effect? At present, paupers seeking relief in some of these unions, had to walk 20 or 25 miles to the workhouse. Was not that almost a denial of relief, and an unfair application of the workhouse test? It was necessary to confide to somebody the power of dividing these unions in cases where the guardians refused.

MR. H. A. HERBERT said, that it was in consequence of the almost total failure of the present Act that his hon. Friend had proposed his Amendment, by which he merely proposed to revert back to the Act of 1834. All that was sought by his hon. Friend was, that those boards of guardians who had faithfully discharged their duties, should have some concern in the management of their own affairs. The opposition on the part of the Government to the Amendment now before the Committee, arose from an obstinate adherence to the baneful system of centralisation, and a total disregard of all local representations on the subject. The right hon. Baronet the Secretary of State for the Home Department had stated, that every consideration had been paid to local representations by the Boundary Commissioners. It would not be difficult, however, to show that such was not the case. In the county which he had the honour to represent (Kerry), the commissioners had proposed to create two additional unions, and sent down a list of queries on the subject to the boards of guardians of Tralee and Killarney. Those guardians having considered the subject, came to an unanimous resolution, a copy of which they forwarded to the commissioners, to the effect that they viewed with regret the adoption of any such step as the creation of those additional unions. Those remonstrances were, however, totally disregarded. It might probably be said that those representations were not worth alluding to; but in answer to such an objection, he needed only to refer to the reports of the Government inspector, who had stated that the board of guardians of Killarney was, perhaps, the most efficient of any in Ireland, and that in no part of the country had the poor-law been more effectually carried out, owing to the exertions of both landlords and tenants manfully to do their duty under the trying circumstances in which they had been placed.

SIR G. GREY begged to say, that he had never meant to hold out an expectation that the representations of parties locally interested would be attended to in all instances, but simply that they would have an opportunity of expressing their opinions, which would be taken into consideration by the commissioners. He had no doubt that the eulogium pronounced on the conduct of the Killarney guardians was very well deserved; and, from all he had heard, he believed that no one better discharged his duties as a guardian than the hon. Member for Kerry himself; but he protested against the inference which was sought to be drawn, that guardians of unions were better qualified to decide upon the propriety of dividing unions than the commissioners. He believed that the effect of the Amendment would be to prevent the divisions of unions when they were too large.

MR. W. FAGAN remarked that there were two parties in Ireland, the destitute and the ratepayers. He believed that the anxiety of the board of guardians to economise the funds provided by the ratepayers, was greater than the anxiety which they ought to feel to relieve the destitute poor. The reason why so many boards of guardians had been dissolved in Ireland, was that they had refused to strike a rate. He should, therefore, vote with Her Majesty's Government, considering that if the Amendment were adopted, there would be no security for a proper division of unions. In the union of Tralee, paupers had to walk forty miles before they could get relief.

Mr. H. HERBERT explained that the union of Tralee had been recommended for division by the guardians, upon the ground that it was too extensive.

Lord C. HAMILTON felt bound to support the view taken by the hon. Member for Northamptonshire, not for the purpose of controlling in the abstract the powers of the commissioners, but to prevent, on their part, inattention to the memorials addressed to them.

Mr. M. J. O'CONNELL said, that the old law had been in operation from 1839 till 1847; that the present plan had been tried only during the last eighteen months, and he really thought that they ought not, upon slight grounds, to change a law that had been such a short time in operation. He thought it too bad, after seven years' experience of one law, to give up another after only eighteen months' trial. He quite concurred with his hon. Colleague in the eulogium pronounced upon the guardians of the Killarney union, and he thought that their representations had not been received with the deference to which they were entitled.

Colonel DUNNE wished to remind the House that the question was whether the division of unions, or the formation of new unions, should be left to the guardians, or intrusted to the commissioners. Now, he should follow the hon. Member for Northamptonshire in requiring the consent of half the guardians.

Mr. CONOLLY believed that the board of guardians would be likely to act more fairly than the commissioners, and he thought that the latter had already too much power.

Mr. POULETT SCROPE was of opinion that, if the clause proposed by the hon. Member for Northamptonshire were to pass, they would never be able to form new unions out of the fragments that would be left.

Sir H. W. BARRON supported the Amendment, as he thought it the safer course to give the power to boards of guardians who would be best able to judge of the ability of their respective unions to support additional taxation, than to place it in the hands of the commissioners. It had been said that the boards of guardians were generally disposed to regard the interests of the ratepayers rather than the interests of the poor; but he could state that the board with which he was connected, had taken precisely the opposite course, and had afforded outdoor relief to an almost unlimited extent.

Mr. E. B. ROCHE said, that from the excessive size of some unions in Ireland, and the distance the poor had to go in order to obtain relief, it would be greatly to their advantage that the unions should be divided; while it had been stated, on the other hand, that it was the interest of the boards of guardians that the unions should not be divided. If the matter was left to the guardians, the probability was, that in very few cases would any division be made; he would, therefore, oppose the Amendment.

Lord NAAS preferred that responsibility of almost every kind connected with the administration of the poor-law should rest with the local authorities rather than with the commissioners, and would give his vote for the Amendment. It must be remembered that if the guardians in Ireland refused to divide the unions, there was a remedy in the hands of the commissioners, who had the power to dismiss them.

Question put, "That the proviso be there added."

The Committee divided:—Ayes 24; Noes 68: Majority 44.

List of the Ayes.

Archdall, Capt. M.
Barron, Sir H. W.
Brooke, Sir A. B.
Burke, Sir T. J.
Chichester, Lord J. L.
Corry, rt. hon. H. L.
Dickson, S.
Dunne, Col.
French, F.
Grogan, E.
Grosvenor, Lord R.
Hamilton, G. A.
Hill, Lord E.
Jones, Capt.
Maxwell, hon. J. P.
Naas, Lord
Napier, J.
Nugent, Sir P.
St. George, C.
Scully, F.
Stanley, hon. E. H.
Sullivan, M.
Tenison, E. K.
Vesey, hon. T.

TELLERS.

Herbert, H. A.
Conolly, T.

Clause agreed to; as was also Clause 4.

On Clause 5,

Sir H. W. BARRON moved the Amendment of which he had given notice, namely, in line 9 to insert after the word "annuity," the words "as also every interest payable on any mortgage, judgment debt, or family charge." The object of the Amendment was to fix mortgagees, judgment creditors, and the recipients of family charges upon land, with deductions on account of rates, in proportion to the amount of their receipts from the estate. The hon. Member argued in support of his Amendment, that all money invested in land in Ireland ought to be charged, and not annuities and rent charges alone. He said that in England money invested in land would not produce more than 4 per cent, while in Ireland it commonly produced 5 per cent. On the average, at all events, money laid out on land in Ireland would give 1 per cent more than in England. Suppose, then, 2,000*l.* upon a mortgage, or family charge, in Ireland produced 5 per cent, or 100*l.* a year. It would be difficult to get 80*l.* a year in England for the same sum upon land, and if it were put into Consols it would yield at the present price only about 65*l.* Thus the sum invested in Ireland produced 20*l.* a year more than in England, both being in land, or 35*l.* a year more in Ireland than would be got for it in the funds in England. If, therefore, that sum were taxed in Ireland to the extent of 10 per cent, or 2*s.* in the pound, still the advantage would remain greater in investing it in Ireland than in England. These charges then ought to be subject to the deductions for the rates. The same reason that impelled the promoters of the Bill to charge annuities with poor-rates, ought to impel them in justice and common sense to fix those rates upon all other charges upon the land in Ireland. There was a strong additional reason for doing this in the fact, that in Ireland, unfortunately for the proprietors, large sums were chargeable in various ways upon the landed estates, and which paid nothing at present towards the support of the poor. Why should not a mortgage secured upon and deriving all its value from Irish landed property, be subject to contribute to the support of the poor, as well as the fee-simple? Why should a man, nominally of 10,000*l.* a year, but paying 5,000*l.* for these charges, be made to pay in full, as if he were putting the 10,000*l.* clear into his pocket, while those who received the other 5,000*l.*, secured upon that very estate, were not to pay a single shilling? He denied that such a procedure could stand the test of reason, justice, honesty, or charity.

Amendment proposed, page 4, line 9, after the word "annuity," to insert the words, "as also every interest payable on any mortgage, judgment debt, or family charge."

MR. G. A. HAMILTON said, it would be desirable to know from the Government upon what principle they proposed to make the deductions from jointures and annuities; and, secondly, upon what principle, if those reductions were made—upon what principle they stopped at that point, making no deductions from mortgages and other charges upon the land. It appeared to him, also, that there was nothing in the clause by which the intention could be carried out. How was a reduction to be made from jointures or annuities when extending over various properties in different districts?

The CHANCELLOR OF THE EXCHEQUER was understood to say that the clause was founded upon a resolution of the Committee upon the Irish Poor Law. The clause had been made prospective in its application, on the ground that these annuities had been granted when there was no poor-law, and that an entirely new charge upon property was imposed. He apprehended that the proposal of the hon. Gentleman, if carried, would lead to foreclosures, and that the consequence of it would be that the money lent upon land in Ireland would be called in.

MR. MONSELL thought the clause equitable, but wished to know how the Attorney General proposed to carry it out —suppose a jointure or annuity charged partly upon real and partly upon personal property, or partly upon property some of which was in Ireland, and other portions in England?

The ATTORNEY GENERAL said, it was plain that an annuity or rent-charge would be a fixed charge issuing out of the land. Suppose an estate worth 1,000*l.* a year situate in three different unions or electoral divisions, and that one of them, called A, paid 5*s.* in the pound, while B paid 3*s.* and C paid 2*s.*, the aggregate rateability of the three farms would be 3*s.* in the pound. As to the difficulty supposed to arise in the event of a charge upon property partly in England and partly in Ireland, he knew of no case in his professional experience of a man charging a jointure upon his property issuing generally upon estates in England and Ireland. The usual course was to charge it specifically upon certain lands. He (the Attorney General) could not consent by a side wind to make personal property liable to the support of the poor in the way proposed.

Mr. AGLIONBY denied the statement of the hon. and learned Attorney General. It was by no means uncommon for a man, having estates in different parts of the kingdom—England, Scotland, or Ireland—to vest them generally in trustees charged with the payment of certain annuities. He considered there was an evident distinction between jointures and mortgages, which made it improper to tax mortgages while the rate, in his opinion, ought to fall upon jointures.

Mr. NAPIER said, he was opposed to the Amendment of the hon. Baronet; but he was at the same time clearly of opinion, if they imposed a rate upon jointures, they ought to lay it also on mortgages. The principle, if good, ought to be fully carried out, as any poor-law, to work well, must be placed on an impartial basis. The clause in the Bill, therefore, either went too far, or did not go far enough. They said, however, they would except mortgages, lest the mortgagee should come down upon the land. In all probability, too, the mortgagee was English, and they said they would protect him. But in the case of jointures, because the holder had no such power over the land, and was also of the weaker sex, therefore they said they would rate jointures.

Sir A. B. BROOKE thought it great injustice to impose a tax on jointures, thus affecting the income of the poor widow, and the injustice in most instances would be the greater that the settlements were made previous to the change in the currency, which alteration reduced the income 8 per cent.

Colonel THOMPSON said, the essence of a mortgage was, that it was a contract, or, to speak more distinctly, a bargain, between two free agents. If an individual bought a property, or a horse, under a stipulation to pay for it by certain fixed instalments, it would never do for him to plead that he heard of a tax to be laid on land or on horses, and therefore he must beg to make deductions from the instalments. When an Irish proprietor obtained a hundred thousand pounds and spent it, under a stipulation to make payment by delivering over four thousand pounds a year, the case was of the same nature.

Sir H. W. BARRON maintained that there had also been a contract in the case of a widow when she was married. The contract was the same as regarded the annuitant, and yet it was said that an annuitant and widow must pay, but not the mortgagee. This was an *ex post facto* law as regarded Irish proprietors. It was a new law inflicting a grievous tax on Irish proprietors; they never supposed, when they charged their estates, that they would be called on to pay this grievous tax; if they had, the charges would never have been made. When the hon. Gentleman said that the danger would be that the mortgages would be called in, he said that a tenderness for the landed proprietors was what they disclaimed; they could make their own arrangements with the mortgagees.

Sir DENHAM NORREYS said, that a tax upon lenders would make it more difficult to borrow the money. There was no doubt that the properties had been diminished by the amount of the poor-rates. He held that the charges arising from borrowing money and from family arrangements stood upon a different basis. Instead of talking of unfortunate jointures, they might talk of the unfortunate possessors of the property, who were obliged to meet these charges out of the produce of the land. It was most unjust upon him that he should be charged on his gross income, and not be allowed to make any deduction from the payments he had to make. In many cases the possessors of property were in a worse condition than the widows who had a charge upon the property.

Sir L. O'BRIEN said, that a person who took a mortgage followed the fortune of the land, and if the land would not produce enough to cover the interest of his mortgage, he must also suffer. The mortgagee, if he could not recover the interest, foreclosed, and became the possessor of the estate, and became liable to the poor-rate, and it might happen that there was not enough to pay the interest of a former mortgage and the poor-rate. It appeared to him that the proposition of Ministers was a very fair one; and, therefore, he would give it his support; but he thought the case of small jointures deserved the consideration of the House.

Mr. SHARMAN CRAWFORD thought the principle of this clause was perfectly just; and if they retained the clause, it must be carried to its full extent. He thought it most cruel and unjust that an owner of an estate should be charged poor rate on his own property, and that those various persons who were receiving incomes out of the estate should receive it without charge. That was evidently unjust: and therefore, he thought that every person who received payment out of an estate by jointure, rent charge, or any other form, should be liable to be charged. The House ought to subject every one receiving income out of the estate to a fair proportion of rate.

Mr. F. O'CONNOR said, that it struck him as extraordinary, from the commencement, that the mortgagees were exempt from the charge for the support of the poor. It appeared to him that the only reason they were exempt was lest they should foreclose their mortgages. If the landlords were to work out their own salvation, let the mortgagees do it also. Ireland would never be brought into a proper state until the different mortgagees and landlords were in their proper position.

Mr. M. J. O'CONNELL thought that the object of the hon. Baronet would be more effectually carried out if the clause were altogether omitted. A Motion with that object should have his support. One grave difficulty which would attend the working of this clause—and there were always difficulties in the way of an injustice—was, that many settlements, such as jointures, were made chargeable on various denominations of land.

Question put, "That these words be there inserted."

The Committee divided:—Ayes 12; Noes 81: Majority 69.

List of the Ayes.

Crawford, W. S.
Dickson, S.
Grogan, E.
Hill, Lord E.
Ker, R.
Meagher, T.
Naas, Lord
O'Brien, J.
St. George, C.
Scully, F.
Tenison, E. K.
Trollope, Sir J.

TELLERS.
Barron, Sir W. H.
O'Connor, F.

Mr. NAPIER then moved an Amendment to the effect that tithe rent charges should be liable to deduction on account of the poor-rate, in the same manner as any rent paid to any superior landlord. He considered that this was a property question, and not a religious question; and he deprecated religious discussions upon it. It was right, however, that the grievance of the clergy in this respect should be understood by the House. They were the only parties in Ireland rated upon their gross income, without a single deduction of any kind. The principle upon which their incomes was rated was most unjust. Their property was nothing else than a rent charge. By the Act of Parliament they gave up twenty-five per cent of the original tithe composition for a tithe rent charge upon the land. Previously to this, the number of small occupiers in Ireland made it very inconvenient to levy the charge for tithes. The Tithe Rent Act was then passed, the object of which was, that the charge should be paid by the superior landlord; and he, having undertaken the payment, was allowed an abatement of twenty-five per cent upon the tithe rent composition, so that the clergyman got seventy-five per cent paid by the superior landlord instead of the full tithe composition paid by the occupier. This arrangement, upon the whole, had worked beneficially for the landlord, the occupier, and the clergy. It was carried out in this way—in leases granted since the passing of the Act, the tithe rent charge was included in the rent, so that the tenant paid his rent to the landlord without reference to the tithe rent charge; and as to leases before the passing of the Act, the landlord was empowered to recover the tithe rent charge as so much rent. Any provision, therefore, which went to separate the rent charge from the rent, would destroy the policy of the Act which had worked so well. Now, the tithe rent charge was not directly rated to the poor. The principle was, that the occupier and the landlord should each pay half the rate, they merely taking the letting value of the land. The tenant paid the whole of the rate in the first instance, and he deducted half the poundage afterwards from the rent as the landlord's portion, and the landlord was obliged to allow it. The landlord thus received his rent subject to the deduction, and so did all the other persons who had claims upon it, including the owner of the tithe rent charge. His proposition then was why, after the landlord had been obliged to allow the half-poundage rate, tithe rent charge should, according to this clause, be again made liable to deduction for poor-rate? This being a rent charge, not exclusive of the valuation, but the valuation being the rent which the tenant paid, and all other rent charges being subject only to half poundage, upon what principle was it proposed to take from the clergy not only one half-poundage for the relief of the poor, but another which would not go to the poor? The University he had the honour to represent never deducted the whole poundage, nor more than half. The clergy were quite willing to submit to half the poundage on the gross income, but they objected to the present system, by which the landlord virtually escaped without paying any portion of the rate as far as the amount of the tithe rent charge was concerned. He begged to move that after the word "annuity," in line nine, the following words be inserted, "including tithe rent charge."

MR. E. B. ROCHE considered that the hon. and learned Gentleman had opened up the whole question of the Irish Church by his Amendment. The hon. and learned Member stated that the Church had given up twenty-five per cent of its revenue to the landlords; but he had overlooked the fact that, in return, they had got the remaining seventy-five per cent secured on the fee-simple of the country, instead of their former unsafe and unattainable property. The hon. and learned Gentleman thought that the Church ought not to pay its portion of the poor-rate; but he seemed to forget that formerly one-fourth of the revenues of the Church went to the support of the poor, and that it would not therefore be at all unreasonable if the entire poor-rate on the tithe rent charge were deducted from it. In fact, he believed that this was the rule in England, and that the entire of the poor-rate on the tithe was paid by the clergyman. If the Committee assented to this Amendment, they would be altering the whole principle of the poor-law in Ireland. The hon. and learned Gentleman had not given them a single instance where the law now worked unjustly. Would the hon. and learned Gentleman say that, taking into account the services rendered by the Church, that it paid more than a just share of the burdens of the poor? That 75 per cent was the only income regularly paid in Ireland at present, because though the landlords did not receive their rents, and though the tenants did not receive value for their produce, the rent charge was always paid punctually to the day, and, in fact, the facilities for enforcing payment were greater than in the collection of any other debt. Again, the hon. and learned Gentleman entirely overlooked the fact that property in Ireland had very materially fallen in value since the tithe rent charge was imposed. He did not think that the proper occasion for moving the exemption of Church property from poor-rates, was in a clause which went to make other property liable that before had been exempted.

The CHANCELLOR OF THE EXCHEQUER objected to entering upon a discussion on the state of the Irish Church in an Amendment to a clause in a poor-law Bill; but at the same time he quite agreed with the hon. Gentleman the Member for the county of Cork in opposing the Amendment that had been proposed. Without entering into any of the points to which his hon. Friend had reverted, he would say that he did not think it was a reasonable proposition to attempt an alteration in the law to the extent proposed in the manner which the hon. and learned Gentleman the Member for the University of Dublin proposed. If the clergy in Ireland wished to be put upon the same footing as the clergy in England, he believed there would be no objection to such a course; but for the present he thought that they had a right to have this proposition brought before them in a more tangible and intelligible form than it had been in the Amendment of the hon. and learned Gentleman.

MR. CONOLLY said, the clergy had given up 25 per cent of their incomes, on the clear understanding that the remaining 75 per cent should be secured to them. He thought it was manifestly unjust, that one-half more of the rates should be stopped from clergymen, than from any other persons.

MR. G. A. HAMILTON said, he wished to correct a mis-statement which the Chancellor of the Exchequer had made. It was not the case, as he had stated, that the clauses to remedy the hardship complained of, were struck out last year in the House of Lords. On the contrary, they were withdrawn by his Colleague and himself, on an understanding with Her Majesty's Government, that the subject was to receive consideration, with the view of applying a remedy; and he felt bound to say, the hon. Under Secretary of State had, on that occasion, showed an earnest desire to meet the views of the clergy. The right hon. Gentleman the Chancellor of the Exchequer had objected to the form of the Amendment as unintelligible; but if he had listened to the speech of his (Mr. G. A. Hamilton's) Colleague, he could not have failed to understand the nature of that Amendment—which was to place tithe rent charge on the same footing with all other rent charges, and make it subject to the deduction of half poundage only. The hon. Member for Cork had stated, that the question went to the root of the whole Church question in Ireland. He (Mr. G. A. Hamilton) denied this. It was a question of property, and applied equally to lay and clerical rent charge. And he would like to know whether there was any one in the House, who could deny that it was not unjust, that while every other species of property paid upon the net valuation, the deduction from tithe rent charge was on the gross, and that while all properties were rated on a low valuation, the deduction from tithe rent charge was on an extreme valuation. Neither could it be denied, that the landlord had the advantage of the half poundage, which he thus unfairly put into his own pocket. Moreover, the whole poundage was deducted by the landlord, whether the rate was paid or not. Last year, out of 1,500,000*l.*, only 798,000*l.* had been paid when the report of the Poor Law Commissioners was made. But the landlords had deducted the poundage from the owner of rent charge upon the whole 1,500,000*l.*, though a considerable portion of it might never be collected. The hon. Member for Cork county had stated, that in consideration of the 25 per cent, the clergy had ensured for themselves prompt and certain payment. But he (Mr. G. A. Hamilton) would show that this was not the case. He had received many communications on the subject, but would only trouble the House with two extracts, which would illustrate what he had been stating. The first was from a clergyman in the west of Ireland, as follows:—

> "In reply to your question, what would be the value of my living annually if paid?—368*l.* 17*s.* 7*d.* What has it produced annually the last two years? Up to last week I had received little more of the last eighteen months than 50*l.*—of the previous half year more than half was due, but within the last week the agent of ——— has most kindly paid me 28*l.* 18*s.* 9*d.* The receiver has paid me 6*l.* 2*s.* 7*d.*, out of 10*l.* 8*s.* 8*d.*, having deducted the large remainder, 4*l.* 6*s.* 1*d.*, for poor-rates, although not one shilling of poor-rates has been paid on the property. Of course, if I were able to contest it, they could not stop it, not having paid it. But money, even at this rate of interest, is most acceptable. On one or two other properties a similar rate, never paid, has been deducted; for instance, a receiver paid a half-year, due November, 1848, 6*l.* 2*s.* 10*d.*, deducting 1*l.* 16*s.* poor-rate. My case is, I believe, the case of very many. I perhaps only differ in having a large grown and growing family, and by having become a little more embarrassed, by foolishly, though I cannot say I regret it, having assisted, beyond my means, my perishing parishioners the last two years. There are sixteen rent-charge payers on properties in my parish; seven of these are in the hands of receivers. I was obliged to dismiss my governess, my housemaid, my man servant; withdraw one son from college, another from school—sell my gig, and thereby abandon a lecture I had carried on for nearly eight years, at a distance of thirteen miles from my home."

The other extract was as follows:—

> "In this electoral division the people have successfully resisted the payment of poor-rates, and yet though none has been paid by the tenantry—the landlords, all absentees, have deducted the full amount of every rate ordered from my rent charge, and are now about to deduct 6*s.* in the pound, though one sixpence has not been collected. They are thus the only persons benefited by a law passed ostensibly for relieving distress. I who reside, spending my income among the people, and give constant employment to several labourers, am forced to send out of the country what would enable me to do some good to those around me, and this out of a limited income of 170*l.* a year, and from a parish in which the Roman Catholic clergyman and myself are the only persons above the rank of peasants."

The Chancellor of the Exchequer having objected to the form in which his (Mr. G. A. Hamilton's) Colleague had brought forward his Amendment, perhaps it would be better for him to withdraw it now, and bring it up as a distinct clause on the report.

SIR D. NORREYS said, the hon. and learned Gentleman should either introduce a separate clause or a new Bill on the subject. At present the tithe rent charge was rated not for the benefit either of the poor or of the tenants, but exclusively for the landlords.

MR. NAPIER said, he was quite willing to introduce a separate clause on the bringing up of the report.

Amendment, by leave, withdrawn; Clause agreed to; as was also

Clause 6, with some verbal amendments.

On Clause 7, which provided that occupiers should not deduct from rent more than one half the amount of the rate paid,

MR. E. B. ROCHE hoped the Government would not force them to a division, by insisting upon retaining this clause, which would make the occupier of the land pay more than he was at present called upon to do. The Government, he admitted, had taken a very discursive view of the affairs of Ireland, and had proposed a great variety of remedies for her distress, which made it probable that they were not infallible in the whole of them. He opposed the clause as injurious to the landlords themselves, for many tenants who were now hesitating whether to leave the country or not would be decided in favour of emigration by learning the fact that under this Bill they would be called upon to pay more poor-rates than they did at present.

The CHANCELLOR OF THE EXCHEQUER could not consent to withdraw the clause, which was, in fact, nothing more than a carrying out of the principle of the present law that divided the poor-rate equally between the landlord and tenant, but which was evaded in the following manner. The board of guardians, being composed principally of tenants, appointed valuators, who valued farms far below the real value, the effect being that the lower the farm was valued the less the tenant had to pay. To illustrate this, he would suppose a farm for which the tenant paid a rent of 100*l.*, but which was valued to the poor-rate at 50*l.* On a rating of a shilling in the pound, the tenant would pay 2*l.* 10*s.* on the 50*l.* valuation; but as he was entitled to deduct 6*d.* in the pound from his landlord, not upon his rate, but upon his rent, he would be entitled to receive back 2*l.* 10*s.* from his landlord, so that, in fact, the landlord paid the whole poor-rate, and the tenant none. He believed there had been instances in Ireland still stronger than this, and cases where even the tenant put money into his own pocket from the deductions made from his landlord for poor-rate.

MR. J. O'CONNELL said, the remedy for this was, that the landlords should reduce their rents, and that there should be a new valuation. But he protested against this clause, which would practically throw an additional burden upon the tenants, and remove the discouragement given by the present system to rack-renting.

MR. SHARMAN CRAWFORD was surprised at the speech of the right hon. Baronet the Chancellor of the Exchequer. It was true the intention of the Legislature was that the tenant should pay half the rate when the farm was rented at a proper rate; but where the rent was too high, he maintained that the intention of the Legislature was to lay a heavier charge on the landlord who rack-rented his tenants. If the valuations were too low in Ireland, Government had the remedy in their own hands, for it was in their power to insist upon a proper and efficient valuation. He thought this clause ought to be prepared with a statement, that it was expedient to encourage the letting of land at rack-rents in Ireland. He should very cordially support the hon. Member for Cork county in opposition to this class.

MR. M. O'CONNELL said, as a man practically acquainted with the working of the present system in Ireland, he could state as a fact that the tenants would esteem it as a very great favour if they knew precisely the amount of the poor-rate which they had to deduct from their landlords, as under the present system they never knew how much they ought to deduct.

MR. W. FAGAN took a different view, and he believed that the clause would give rise to considerable opposition to the collection of the rate. He denied that the valuation was so low as represented, for in most instances it was higher than that of the Ordnance survey. He denied also that the principle of the present poor-law was an equal payment of the rate by landlord and tenant. The principle of it was to prevent the practice of rack-rents, and to make the tenant pay the rate only in proportion to his rent.

SIR J. B. WALSH said, it was impossible to obtain anything like an equal and uniform standard of valuation upon the present system. He should support the clause as it stood, because it gave the occupiers a direct interest in the administration of the poor-law and the prevention of frauds.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee divided:—Ayes 125; Noes 19: Majority 106.

List of the AYES.

Abdy, T. N.
Aglionby, H. A.
Anson, hon. Col.
Archdall, Capt. M.
Armstrong, R. B.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Barron, Sir H. W.
Berkeley, hon. Capt.
Berkeley, C. L. G.
Blair, S.
Blake, M. J.
Brotherton, J.
Bunbury, E. H.
Burke, Sir T. J.
Butler, P. S.
Carter, J. B.
Cavendish, hon. G. H.
Cavendish, W. G.
Christy, S.
Clay, J.
Clements, hon. C. S.
Cole, hon. H. A.
Conolly, T.
Corry, rt. hon. H. L.
Craig, W. G.
Dalrymple, Capt.
Damer, hon. Col.
Dickson, S.
Dodd, G.
Douglas Sir C. E.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Dunne, Col.
Ebrington, Visct.
FitzPatrick, rt. hn. J. W.
Forster, M.
Fortescue, C.
Fox, R. M.
French, F.
Glyn, G. C.
Grace, O. D. J.
Greenall, G.
Grey, rt. hon. Sir G.
Grogan, E.
Grosvenor, Lord R.
Guest, Sir J.
Hallyburton, Lord J. F.
Hamilton, G. A.
Hastie, A.
Hastie, A.
Hawes, B.
Hayter, rt. hon. W. G.
Heathcoat, J.
Henley, J. W.
Herbert. H. A.
Hervey, Lord A.
Hill, Lord E
Hobhouse, rt. hon. Sir J.
Howard, hon. E. G. G.

Howard, Sir R.
Jervis, Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Ker, R.
Kershaw, J.
Kildare, Marq. of
Langston, J. H.
Lascelles, hon. E.
Lascelles, hon. W. S.
Lewis, G. C.
Locke, J.
Lockhart, W.
Mackenzie, W. F.
M'Gregor, J.
Mahon, The O'Gorman
Maitland, T.
Marshall, J. G.
Melgund, Visct.
Moody, C. A.
Morgan, H. K. G.
Morris, D.
Mostyn, hon. E. M. L.
Naas, Lord
Norreys, Sir D. J.
O'Brien, Sir L.
O'Connell, M.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Philips, Sir G. R.
Pilkington, J.
Price, Sir R.
Rawdon, Col.
Rich, H.
Romilly, Sir J.
Rumbold, C. E.
Russell, F. C. H.
Rutherfurd, A.
St. George, C.
Sheil, rt. hon. R. L.
Somers, J. P.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Spooner, R.
Stafford, A.
Stuart, H.
Talfourd, Serj.
Taylor, T. E.
Thompson, Col.
Trollope, Sir J.
Vesey, hon. T.
Villiers, hon. C.
Waddington, H. S.
Walsh, Sir J. B.
Watkins, Col. L.
Wawn, J. T.
Williamson, Sir H.
Willoughby, Sir H.
Wood, rt. hon. Sir C.
Wyld, J.
Wyvill, M.
Young, Sir J.

TELLERS.

Tufnell, H.
Bellew, R. M.

List of the NOES.

Brooke, Sir A. B.
Crawford, W. S.
Dawson, hon. T. V.
Devereux, J. T.
Fagan, W.
Ferguson, Sir R. A.
Greene, J.
Hodgson, W. N.
Lawless, hon. C.
Magan, W. H.
Meagher, T.
Nugent, Sir P.
O'Brien, J.
O'Brien, T.
O'Connell, M. J.
O'Flaherty, A.
Scully, F.
Sullivan, M.
Tenison, E. K.

TELLERS.

O'Connell, J.
Roche, E. B.

Clause agreed to; as was also Clause 8.

On Clause 9,

SIR D. NORREYS said, he objected to this clause. It would be much better to make the arrangement prospective altogether, so as not to give this benefit of exemption from valuation to any improvements made before the passing of this Act, or else to provide that valuations should only be made at certain fixed intervals of time.

The ATTORNEY GENERAL observed that the clause was analogous to clauses in other Bills. It was well known that reclaimed lands did not until after the lapse of a certain period become liable to tithes. The value of the improvements might be ascertained in the same way as that of improvements which had to be fixed as between the outgoing tenant and the incoming tenant.

MR. M. O'CONNELL complained that mills were not included in the exemption. It was of great importance that mills should be erected as near as possible to the farm.

The ATTORNEY GENERAL said, the question involved was substantially decided when the Bill for making advances for the improvement of lands was under consideration. The obvious distinction was, that the millowner made an immediate profit.

MR. F. FRENCH did not consider his hon. and learned Friend's observation entitled to any weight. The view taken by him of mills was formerly taken by Parliament of agricultural buildings; yet the latter were now included in the proposed exemption.

SIR J. YOUNG said, that as a Member of the Committee, he was in a position to state that the distinction drawn by the Committee was, that in the one case there was, and in the other there was not, a prospect of immediate profit. That distinction he considered a valid one.

SIR H. W. BARRON moved, as an Amendment, to substitute "twenty-one years" for "seven years," as the period of exemption. The hon. Baronet said that seven years would not be sufficient to encourage the outlay of capital. The entire valuation of the country would not be diminished by that, or be encouraged by a large investment of capital.

SIR G. GREY said, the reason why the clause had been framed as it stood was, that a period of seven years was supposed to be a reasonable time for the tenant to lay out his capital to advantage, and secure a return. A more extended period would involve injustice to other parties.

MR. GROGAN had also given notice of an Amendment, his object being to substitute fourteen years for seven years. His wish, in making the proposition, was simply to do equal justice to all parts of Ireland.

SIR A. B. BROOKE hoped the Government would accede to the very moderate proposal of his hon. Friend the Member for Dublin.

The CHANCELLOR OF THE EXCHEQUER thought it would be impossible to prove the value of a property or tenement fourteen years back. The Committee, composed almost entirely of Irish Gentlemen, had recommended the term of seven years, and he thought it would be better to adopt that period.

Clause agreed to; as was also Clause 11.

Amendment, by leave, withdrawn.

Clause 12 postponed.

House resumed; report progress.

Committee to sit again on Saturday.

House adjourned at half after One o'clock.

HOUSE OF COMMONS,

Saturday, June 30, 1849.

POOR RELIEF (IRELAND) BILL.

The House then went again into Committee on this Bill; Mr. Hayter in the chair.

On Clause 12,

Mr. HENLEY objected to the clause, because it would tend to multiply the vast amount of small judgments in Ireland. Great difficulties would attend the working of such a clause; but the only alternative they could wisely adopt, would be to make a compromise of these difficulties by confining the liability of the land to the particular division in which the debt existed. He would throw it out as a suggestion for the Government, that the Civil Bill Decree ought to be handed over to the receiver, so that he might in the simplest manner proceed to see that the arrears of poor-rate, which was to be the first charge, were properly liquidated.

Sir G. GREY considered the suggestion of the hon. Gentleman the Member for Oxfordshire a very valuable one, but supposed that it went on the assumption that it would be necessary to apply to the Court of Chancery for an order. But an application to that court would not be necessary, because the poor-rates were to be made the first charge.

Mr. HENLEY said, that it was only on a judgment that the rates would be made the first charge, and consequently it would be necessary for the same troublesome process to be gone through every year.

Mr. STAFFORD objected to a power being given to sell the lands for rates due by the tenant. It was unfair that the lands of the landlord should be sold for a debt due by another party.

Sir G. GREY said, it was only proposed to sell the interest of the party by whom the debt was due.

Mr. STAFFORD contended, that except power was given to the landlord to dismiss the tenant when a certain amount of arrears was due, the tenant might go away and leave the landlord liable for a debt due by him.

Sir L. O'BRIEN begged to call attention to the effect of the 4*l.* rating clause, for he felt convinced that unless it was altered the country would be reduced to a state of desolation. Reference had been made to the Kilrush evictions, and he felt that the 4*l.* rating clause was the whole cause of these evictions. The case came home to himself. Last year, 500*l.* was paid on his property, for tenants paying under 4*l.* rent. In one village, 100*l.* was charged to him for tenements valued under 4*l.*, and none of those tenants had paid him rent. When he came to examine his rental in the next year, must he not take some steps to relieve himself from this charge? Could he go on paying the rates for their holdings, year after year, without getting any rent from them? So long, therefore, as they had this clause, they would have those evictions of tenants. He would mention another case to show the evil effects of the 4*l.* rating clause. In one of his villages a very solvent man, in his station of life, desired to build a house, and applied to him for a plot of ground which was worth nothing in an agricultural point of view. Before giving him the plot of ground, he had to consider whether the house, when built, would be valued under 4*l.* or not, and finding that he would probably have to pay more rates than any rent he could get, he was obliged to decline to make the lease, so that the village lost the benefit that would arise from the expenditure of the money that would be laid out in building that house.

Mr. POULETT SCROPE considered it would be a most flagitious act to take advantage of a period of famine, to give the landlords of Ireland a more summary power of eviction than they at present possessed.

Lord J. RUSSELL thought the objection of the hon. Member for Stroud had great force in it; but on the other hand, he must admit, that in the case of a landlord who finds that his tenants pay no rent and no taxes, while he finds that he is prevented by process of law for a considerable time from making the tenant liable, it was objectionable to make that landlord chargeable with the accumulation of rates. However desirable it might be to remedy this evil, his right hon. Friend the Home Secretary could not, in discussing this clause, make any pledge with respect to any future clause.

Mr. NAPIER thought the question with regard to protecting the landlord from the arrears of the tenant, was wholly independent of this clause; but in supporting this clause, let it not be thought that he entertained an opinion hostile to that of his hon. Friend who called attention to the subject.

On the contrary, he thought the matter should be taken into consideration on a future occasion. He thought, when a tenancy was deserted, the landlord should get possession of the land by paying the arrears of poor-rate due on the land. That could be done by proceeding by civil bill as against a deserted tenancy.

LORD J. RUSSELL admitted that some clause, such as that suggested by the hon. and learned Gentleman, might be necessary.

MR. STAFFORD said, the difficulty they were in was this—they were all agreed as to the principle of the clause, and they were put in an unfair position by being compelled to divide against it for the reason he had stated.

LORD J. RUSSELL said, that if no clause to meet the objection were hereafter put in, the hon. Gentleman could move on the third reading the omission of this clause.

MR. STAFFORD was willing to leave it to be understood that the objection would be removed.

Clause agreed to.

On Clause 13,

LORD NAAS moved as an Amendment, at page 6, line 43, to leave out the word "union," and to insert the words "electoral division."

MR. HENLEY thought they were dealing with men's properties in a violent way by an *ex post facto* law, and begged the noble Lord at the head of the Government to consider what the just limits of the poor-rates should be, which, being recovered under the 12th clause, would take priority over all other charges on an estate. As the law now stood, the holders of mortgages and similar incumbrances on the land did not contribute to the poor-rate. It would, therefore, be a very violent proceeding to make arrears chargeable by an *ex post facto* law.

Question put, "That the word "union" stand part of the Clause."

The Committee divided:—Ayes 72; Noes 40: Majority 32.

The **ATTORNEY GENERAL** said, that, with regard to the observations made by the hon. Member for Oxfordshire, he need hardly remind him that when a debt was converted into a judgment, the debt was merged, and the person who took the land would not pay the arrears of rates unless the judgment recovered for them had a priority.

Clause agreed to, as was also Clause 14.

MR. H. A. HERBERT then moved the addition of the following clause:—

> "And be it enacted, that for the purpose of charging the expense of relief to any rating district, every person making application for relief shall, after the passing of this Act, be deemed to have been resident in such rating district in which, during the period of five years next immediately before his application for relief, he shall have been longest usually resident, whether by usually occupying any tenement situate, or by usually sleeping within such district; provided always, that where any such person shall not have occupied a tenement or slept within any such rating district for at least six months in the whole during the said period of five years, the expense of the relief of such person shall, in such case, be borne by and charged against the whole union in which he or she is relieved."

It was admitted that an electoral division rating, and not a union rating, was desirable; but the effect of the Bill as it at present stood would be to create, in a roundabout manner, a union rating. That was contrary to the principle of the poor-law in England; and the object of his clause was to check those evictions of which the House had heard so much, by placing responsibility on the party from whose property the pauper originally came. He had adopted the period of five years to meet the case of landlords who had evicted their tenants since the unfortunate panic. He admitted that the clause would not meet the exigencies of the case as between union and union; but it would do substantial justice between electoral division and electoral division.

MR. W. FAGAN believed that the proposition of the hon. Member for Kerry would, if adopted, act very injuriously upon large cities. The clause would certainly not meet the case of destitute persons coming from a distance, and they would be chargeable on the city electoral division, and not on the union at large.

SIR W. SOMERVILLE was understood to consent to the principle of the clause proposed by the hon. Member for Kerry, but subject to the substitution of "three" for five years' residence, and "eighteen" months for the six months proposed.

A short conversation ensued, during which Mr. MONSELL and other hon. Members expressed the opinion that the term of eighteen months was too long. Ultimately

LORD J. RUSSELL consented to fix the term at twelve months.

MR. H. A. HERBERT assented to the alterations as proposed by the Government.

Clause, as amended, to stand part of the Bill.

Mr. H. A. HERBERT then moved the next clause, of which he had given notice; the object of it being to reduce the area of taxation.

Mr. CORNEWALL LEWIS, however, suggested that the simplest course would be to adopt the outline of the clause standing in the Bill to be introduced by the President of the Poor Law Commission in England, giving power to the commissioners, in the cases of small parishes, to bind several parishes to the election of a single guardian.

Mr. HENLEY recommended the hon. Gentleman not to rely upon the clause being passed which he had just alluded to, as intended to be introduced by the President of the Poor Law Commission in England; for that clause would meet with the strongest opposition. He protested against the principle, and would meet it with unmitigated hostility. If the hon. Gentleman, therefore, were to rely upon the success of that clause as a foundation for the principle as regarded Ireland, he would be laying his foundation upon sand.

Clause withdrawn.

Mr. H. A. HERBERT next proposed the following clause:—

> "And be it enacted, that from and after the passing of this Act, every justice of the peace acting for any county in Ireland, and otherwise qualified, under the laws now in force, to be, or to be appointed, an *ex-officio* guardian of any union within such county, and who shall be seised, possessed, or entitled for his own use and benefit of or to any lands, tenements, or hereditaments situate within such union, or in the rents and profits thereof, for any life or lives in being, or for any term of twenty-one years at the least, such estate being of the yearly value of 50*l.* at the least, shall be eligible to be, or to be appointed, an *ex-officio* guardian of such union, notwithstanding that such justice shall not be resident within the same."

The hon. Member contended that those most highly rated were not the most eligible as guardians.

Sir J. GRAHAM said, that this question had been discussed in the Poor Law Committee, and there had been some doubts as to the course which ought to be pursued. He had, however, come to the conclusion that it was his duty to oppose this proposition. When the Irish poor-law was introduced, the number of *ex-officio* guardians was limited to one-third; but there was afterwards a relaxation of that rule, permitting, under certain conditions, a moiety of the guardians to be *ex officio*, so that the board was composed of one-half elective and one-half *ex officio*. But the limit to that permission was, that they should be resident within the union, and the effect of the proposed clause would be to do away with the limitation. He could not consent to a further relaxation of the rule for limiting the number of *ex-officio* guardians.

Mr. H. A. HERBERT said, that the great difficulty in many districts was to form boards of guardians at all, and great advantage would arise by the admission of gentlemen who were willing to perform the duties. He hoped the right hon. Baronet would withdraw his opposition to this clause, which would be a boon not only to the possessors but the occupiers of property in Ireland.

Mr. J. O'CONNELL hoped that the principle of residence would not be given up.

Mr. SHARMAN CRAWFORD opposed the clause, which, he said, would be greatly objected to in those parts of Ireland with which he was connected.

Sir G. GREY said, that if the numbers were equal, then persons residing beyond the union would be ineligible; but if the number of *ex-officio* guardians resident within the union fell short of the half, then he would have no objection to make up that half from magistrates residing beyond the union.

Clause postponed.

Mr. H. A. HERBERT then proposed his next clause, as follows:—

> "And be it enacted, that no distress for nonpayment of any rate, or part of any rate, shall hereafter be levied or taken upon any rateable property being of the descriptions following, that is to say, Implements of Husbandry, Gardening, or Farming Utensils, Horses, Carts, and Horse Furniture, provided that the same respectively shall be in the actual or habitual use or employment of the person or persons possessing the same."

The ATTORNEY GENERAL said, that this kind of property was distrainable in England for poor-rate, and the Committee must decide whether they would draw a distinction in this matter between the law in England and Ireland. He hoped the House would consider well the nature of the clause before consenting to adopt it. He believed it would amount to an enactment for postponing the rates from harvest to harvest, and there would be nothing left to pay them with.

Mr. MONSELL thought the argument of the Attorney General would be a good argument for the thumb-screw.

Sir J. GRAHAM said, this was a more serious proposition than, in the first instance, it appeared to be. A maximum rate had been fixed, whilst a proposition had been rejected that the maximum should be absolutely levied. An hon. Gentleman had declared that he voted for the maximum because he felt satisfied, if it were not collected, that the Consolidated Fund would be liable to the charge. But if this clause were passed, not one farthing of rate would be collected. Of that he was persuaded. The Attorney General knew how the screw was to be applied; and, coinciding in the views of the hon. and learned Gentleman, he should have no hesitation in voting against the clause.

Sir A. B. BROOKE recommended the withdrawal of the clause, being satisfied that it would not pass. Besides, he for one had no wish to come upon the Consolidated Fund sooner than might be absolutely necessary.

Clause withdrawn.

Mr. CLEMENTS then moved a clause, the object of which the hon. Gentleman stated to be, to enable the Poor Law Commissioners to make such arrangements that new unions formed out of present unions should have power to send their paupers to the existing workhouses.

Mr. MONSELL contended that such a provision would be most injurious, because its operation would give rise to contentions between different boards of guardians. He could see no practical benefit that would follow from it; and he further objected to it because it placed a monstrous power in the hands of the commissioners.

The CHANCELLOR of the EXCHEQUER observed, that the clause only gave a discretionary power to the commissioners. There were some cases in which the power must be exercised most advantageously for the poor, particularly where they had long distances to walk before they could get to the union workhouse. It was also desirable that workhouse accommodation should be provided, as far as possible, in each division, so as to withdraw the system of outdoor relief—an object which could only be accomplished by such means. He thought those Gentlemen who advocated smaller areas of taxation wished to legislate rather for property than for the poor.

Mr. STAFFORD warmly contended that the right hon. Gentleman had not met the objection of his hon. Friend the Member for the county of Limerick. He had, however, attributed unworthy motives to those Gentlemen who advocated smaller areas of taxation, of which they were not deserving; and he called upon the right hon. Gentleman, if he wished to act fairly, to substantiate his allegations against them. It would be better to leave the allocation of paupers as it was at present. Any change must depend upon the speed with which new workhouses could be built. Under present circumstances he saw no advantage in the clause, and he hoped it would be rejected.

The CHANCELLOR of the EXCHEQUER explained. He had attributed no unworthy motives to the hon. Member who proposed the clause.

Mr. H. A. HERBERT defended the advocates of a smaller area of taxation, upon the ground that such a principle would tend to promote the welfare and develop the industry of the people. He regretted that imputations should have fallen from the right hon. Gentleman which were certainly not deserved.

Mr. M. J. O'CONNELL could not approve of the clause as it was proposed, though he admitted that the size of the unions ought to be reduced. What, however, would be the value of any reduction in their size, if the paupers had to go to the existing workhouses? Still, the proper time to discuss this question was, when the whole subject of workhouse accommodation was brought before the House.

The ATTORNEY GENERAL said, one object of dividing unions was to make them more accessible to the poor, and that the present was only an enabling not a compulsory clause, upon the Poor Law Commissioners to provide for those cases where unions had no accommodation, but which were under the necessity of providing it.

Mr. CLEMENTS expressed surprise to find the advocates for a reduced area of taxation opponents of a plan which, of all others, was essential to carry their views into execution. It would tend to take away the necessity for paid guardians, whilst, without it, it would be impossible to revise the size either of unions or electoral divisions. Besides, the circumstances of the west of Ireland were such as to make it necessary that some such arrangement should be carried out immediately.

Sir A. B. BROOKE thought that the clause should be limited to three years at farthest. As it at present stood, the building of the new workhouses might not take place these ten years.

Sir J. GRAHAM said, he was decidedly of opinion that in the west and southwest there ought to be smaller sized unions than there were at present, and that each new union should be provided with a workhouse in a central and accessible part of it. To meet the temporary difficulty, some such clause as this was, he admitted, necessary; but he objected altogether to the arrangement forming a part of the permanent law of Ireland. He wished the Government would give an assurance that they meant this only as a temporary expedient, or, what would be much better, that they would consent to limit the operation of the clause. The limitation might be fixed on bringing up the report.

The CHANCELLOR of the EXCHEQUER said, he had no difficulty in giving the assurance that the right hon. Baronet required. Nothing could be more preposterous than making the proposed arrangement permanent; but as some time must elapse before fifty additional workhouses could be built, and fifty new unions formed, he did not think it would be expedient to fix on any limited period within which the alterations must be completed.

Sir J. GRAHAM repeated his opinion that a limited period ought to be fixed upon. As the proposed arrangement, though objectionable in every other respect, would be a cheap one, it was not likely that much haste would otherwise be used in building the new workhouses.

The CHANCELLOR of the EXCHEQUER said, he could have no objection to limit the time for the building of the workhouse to a certain period after the formation of the union.

Clause agreed to, with the substitution of six calendar months instead of one calendar month in the last paragraph.

Mr. CLEMENTS then moved the next clause, empowering the commissioners to ensure payment of the charges for the paupers so provided for.

Clause agreed to.

Mr. MONSELL moved the adoption of clauses empowering the commissioners to authorise boards of guardians to borrow money in order to promote emigration, in the same manner as money was now borrowed for the building of workhouses.

Sir DENHAM NORREYS complained of such important clauses being brought forward at so late an hour.

Mr. HENLEY inquired whether the money so borrowed was to be in addition to the maximum rate?

Mr. MONSELL replied in the affirmative, and said the Attorney General had kindly consented to frame a proviso to carry out that object.

Mr. KERR did not see any good in encouraging emigration, if the rates were still to be left at the maximum amount.

Clauses agreed to.

Colonel DUNNE moved a clause, providing that in future any rate for the able-bodied poor should be a separate rate from the rate for the support of the sick, aged, and impotent, and for union and establishment charges, but that both rates might be collected together.

Mr. CORNEWALL LEWIS said, the object which the hon. and gallant Member had in view was already attained by distinct accounts being kept in the books of the union. If two rates were struck, it would be necessary to have two sets of rate-books, which would be attended with great inconvenience and expense.

Clause withdrawn.

House resumed. Committee report progress; to sit again on Monday.

The House adjourned at Six o'clock.

HOUSE OF LORDS,

Monday, July 2, 1849.

Minutes.] Public Bills.—1ª Militia Ballots Suspension; General and Quarter Sessions Courts Procedure; Inclosure Act (Extension of Powers); Drainage of Lands.

2ª Audit of Railway Accounts.

Reported.—Administration of Justice (Vancouver's Island).

Petitions Presented. By Lord Stanley, the Duke of Richmond, and the Earl of Exeter, from Derby, Crowland, and other Places, for Protection to British Agricultural Produce.—By Lord Colborne, from Chesterton, that Superannuation Allowances may be Granted to retiring Poor Law Officers.—By Earl Nelson, from Liverpool, Wigan, and Rochdale, that no Restriction may be placed upon Educational Grants.—By Lord Monteagle, from New South Wales, for a Reduction of the Elective Qualification.

AUSTRIAN INTERVENTION IN ITALY.

The Marquess of LANSDOWNE laid on the table a copy of the communication from the Austrian Government as to the advance of Austrian troops into Tuscany and the Legations; and begged leave to call the attention of the House to the fact, that the communication was made subsequently to the first conversation which took place in the House on that subject on the 5th of May; namely, on the 15th of May.

The Earl of ABERDEEN presumed

that the document now produced by the noble Marquess had been sent in consequence of its having been denied that any communication was previously received; whereas the communication had been in the hands of the Government before the subject was talked of in their Lordships' presence.

The MARQUESS of LANSDOWNE was not aware that anything had passed between Austria and Her Majesty's Government at the time the first conversation took place. He was perfectly prepared to say that no formal communication had been made to Her Majesty's Government at that time.

The EARL of ABERDEEN said, that the difference betwixt him and the noble Marquess was this, that the noble Marquess said that no "formal" communication had been made, whereas if he had said no "written" communication, he would have been perfectly correct; but it was perfectly "formal." The noble Marquess must know as well as he (the Earl of Aberdeen) did, that there were various modes of making "formal" communications between different Powers; and one as common as any other was for the Minister of one Power to be directed to read a despatch to the Minister of another Power. That was a most formal communication, but it was not a written communication. The Minister was sometimes required to give a copy of as well as read a communication; but he apprehended that it was the case that whenever a Minister was ordered to read a despatch to a foreign Government, he was always ready to give a copy of it if he was asked for it. That he (the Earl of Aberdeen) took to be the usual custom.

The MARQUESS of LANSDOWNE maintained that a communication was not made in a shape binding on the parties until it was made a matter of record.

ENTAILED ESTATES—DRAINAGE OF LANDS BILL.

The DUKE of RICHMOND presented the report of the Select Committee on charging Entailed Estates for Drainage, and in so doing briefly stated the substance of it. The Committee had met and considered the subject referred to it, and were of opinion that no time ought to be lost in enabling individual landowners to borrow money from individuals or from public companies on the same grounds on which parties in Ireland had been allowed to borrow 2,000,000*l.* of the Government for the drainage of their lands in that country. He would in pursuance of that recommendation now lay on the table a Bill which he had prepared to carry out the recommendation of the Committee. The object of it was to authorise the owners of landed property to borrow money on their estates for the purposes of drainage. He thought it desirable that the Bill should also contain provisions enabling them to raise money for the improvement of farm buildings and labourers' cottages, and enabling persons, on removing from their farms, to dispose of any buildings which they might have erected upon them; but to those propositions the Committee had not as yet acceded. He thought that a Bill of this kind would be eminently useful. There were, at present, a large number of agricultural labourers out of employment; and, in the next autumn and spring, he feared that many of them would have to take refuge in the union workhouses. It was, therefore, of great importance that this Bill should pass during the present Session, so as to bring the capital of individuals forward to the support of agriculture. He should not be able to move the second reading of this Bill next week, because he should be compelled to attend his duties at quarter-sessions; but he hoped that his noble Friend at the head of the Woods and Forests would take charge of it, and give it the sanction of Government. If it should go to the other House with that sanction, it would, in all probability, pass into law this Session. It could do no harm, and it might do much good, as many gentlemen would be inclined to borrow money, to be repaid at the end of twenty-two years, to enable them to employ the honest agricultural labourers of the country.

The EARL of HADDINGTON: Does the Bill extend to Scotland?

The DUKE of RICHMOND: Yes.

The EARL of WICKLOW thought that it ought to be extended to Ireland also.

The DUKE of RICHMOND would not object to the extension of it to Ireland. He was anxious, however, to have this Bill pass into law with as little discussion as possible, and he knew well, from long experience, that it was not possible to get any law passed for Ireland without a great deal of discussion.

The MARQUESS of LONDONDERRY also pressed the claims of Ireland on the consideration of the noble Duke.

The EARL of CARLISLE cordially approved of the object of the Bill; and, although some alteration of its provisions might perhaps be found necessary, should be happy to give it every support in his power.

Lord BEAUMONT also supported the Bill; but was afraid that it would be of no use unless it was accompanied by another for regulating the outlets of drainage. In many of the districts of Yorkshire and Lincolnshire, the outlets of the drains were lower than the beds of the rivers; and he therefore hoped that Government would introduce a measure authorising two-thirds of the landowners of a district to erect engines for drainage, and to levy rates for the purpose of defraying the cost of such engines.

Bill read 1ª.

THE AUSTRALIAN COLONIES.

Lord MONTEAGLE said, he held in his hand a petition, of the presentation of which he had given notice, and which, from the number of signatures attached to it, and the interests it involved, he thought of sufficient importance to claim the attention and consideration of their Lordships. No petitions deserved greater attention than those which proceeded from distant colonial possessions of the Crown; it was of the utmost importance that the colonists should be convinced that the Parliament of this country paid attention to their affairs. The petition which he held in his hand came from the town of Sydney, New South Wales, and had been transmitted to him, as various other petitions from the same colonies and the neighbouring States had been. The petitioners stated that the present state of the elective franchise in the colony was not of a character suited to the just representation of the people of the colony; and it prayed that a measure might be introduced for effecting a revision of such franchise with a view to its extension. He was not about to recommend any unreflecting adoption of the prayer of that petition, as he thought the whole measure should be duly considered before any measure so important as the constitution of a colony was proposed. But the petition was signed by the mayor and members of the corporate body of the town of Sydney, and by magistrates and other settlers. It was signed also by a gentleman who might be known to a number of their Lordships, and whose position and exertions in the Legislative Council in Sydney, and whose reputation in this country, entitled him to the utmost respect —he meant Mr. Lowe, the author of some of the ablest reports he had met with, and which eminently deserved the attention of their Lordships and of the British public. Such was the object of the petition; but in presenting it he would take an opportunity of putting a question to his noble Friend at the head of the Colonial Department, which he believed to be one of no ordinary importance. The question, of which he had given notice, related to a Bill now pending in the other House of Parliament, and the object of which was practically to create an entirely new constitution in the Australian colonies. Early in the present Session he had asked his noble Friend not only whether, when that Bill was brought up to their Lordships' House, it would be accompanied by sufficient evidence in support of it, but also whether it could be shown that a due opportunity had been afforded for its consideration in the colonies. In colonial legislation, and more especially in constitutional legislation for the colonies, it behoved their Lordships to act with caution, to avoid the contingency, which in colonial affairs had more than once happened, of being obliged to suspend Acts of Parliament after they had been transmitted and had been introduced into the colonies. For example, what had happened with respect to a Bill for establishing what were called municipal and district councils in New South Wales—a measure passed without sufficient discussion or inquiry? Why, when it got out to the colony, it was found so entirely unsuited to the circumstances of the time or place, that the Legislative Council were obliged to apply to the Governor, Sir George Gipps, to sanction them in suspending the Imperial Act, and in proceeding as if no such Act had been passed. No governor could have been more cautious than Sir George Gipps; but he was, nevertheless, compelled, from the necessity of the case, to give the Legislative Council the power to suspend the action of the Act of the Imperial Legislature. That colony was allowed to remain in a state of confusion for another year, without any evidence that adequate orders or instructions had been received from the Colonial Office. A second year came round, when, the same state of things existing, Sir George Gipps said, that although there might exist a necessity for a second suspension of the Imperial Statute, he could not, as the Queen's representative, again share in the responsibility of repeating his previous act. The act was, however, done by the Legislative Council. So that in this case, by our ill-considered and inadvertent legislation, the Legislative Council had twice been allowed publicly and avowedly to set aside the authority of the State. Now, if anything was likely to prejudice the authority of the Imperial Legislature, it was such a precedent as this. The papers which he held in his hand showed that it had been by mere accident that Australia had been saved from having this constitution imposed on them last year by the authority of the Secretary of State alone. A draft constitution had been prepared for the colony; but when it got out, its only effect was to throw the colony into confusion. Terms of condemnation had been applied to it so harsh and contemptuous that he was unwilling to repeat them. It was sufficient for his purpose to say that it was stigmatised as impolitic, and as certain to create great opposition and discontent in the colony. The measure had been withdrawn after great discussion; but in the papers which he held in his hand there were terms applied to the Colonial Office and to the Home Administration which he should be again still more unwilling to repeat, as conveying a censure which might be considered too severe and too vituperative. He would earnestly advise, therefore, the greatest caution for the future in framing measures for the colonies. Perhaps the noble Earl would say that such caution had been exhibited in the present case, and that the Bill would not meet with any colonial opposition. He hoped it might be so, as such a fact would go far to diminish his alarm and opposition. But he desired to call the attention of their Lordships to the principle adopted in proceeding with this Bill. The noble Earl the Secretary for the Colonies, after introducing a Bill for the purpose of giving a new constitution to the colonies, referred that Bill for the advice and opinion of the Board of Trade and Plantations. Now, he objected to that course on constitutional grounds. He thought it open to the most serious objections. He objected to it as tending to a division of responsibility. The constitution recognised the noble Earl himself as the head of the department, and as a responsible Minister bound to give advice on the subject. But if the noble Earl proposed to shift that responsibility, or, at all events, to divide that responsibility with others, by referring questions of this character to the Board of Trade, he (Lord Monteagle) was prepared to show, on the evidence of the papers before their Lordships, that he was introducing a practice which in this instance he could not but consider to be most inconvenient and unconstitutional, and which it behoved their Lordships to censure on the first occasion of its being brought under their notice. For what were the circumstances of the present Bill? The Bill contemplated a no less important principle than that of committing the duty of general colonial legislation to a single House of Parliament. The proposed permanent Legislature, like the present one, was proposed to consist of a single chamber. This, he contended, was a great principle, and an objectionable one to adopt, unless an absolute necessity could be shown for it. And yet the consideration of that principle had been referred to the Board of Trade. Had it been referred to the colony itself, he could have understood the course taken; but why a constitutional principle of this magnitude was referred from the proper constitutional authority to the Board of Trade, he could not understand. To take this question out of the hands of the Colonial Secretary, who ought to be responsible to Parliament, and to refer it to an irresponsible board, was a course open, he thought, to the most serious objections. On looking through the papers which he held in his hand, he found that, however enlightened the Gentlemen composing this Board might be, they had made a great mistake with respect to the feelings of the colonists on the subject of a double chamber. By the papers it would appear that many of the colonial authorities actually preferred a double chamber to a single one. Two of the petitions which he held in his hand—one from Sydney and the other from Windsor (one of the most important places in the colony), stated that the petitioners desired a constitution assimilated, as nearly as could be, to that of England; and the constitution of England certainly offered no example of a single chamber. They certainly objected that the second chamber should consist altogether of mere dependents and nominees of the Crown. They objected to a second chamber composed in a particular manner; but they were favourable to the principle of a second chamber. This was a question which ought not to have been submitted to the Board of Trade. He trusted that in the month of July or August their Lordships would not be called upon to legislate on a subject of such importance; and he also trusted that Parliament would not incur the same risk which had attended our legislation with respect to New Zealand—that of being compelled to suspend a constitution after it had actually passed.

There was one request, however, which the colonists made which he trusted would not be lost sight of, namely, that Port Phillip might be divided from the Sydney portion of the colony. To this his objection did not apply, as on this all colonial authorities seemed to be agreed. He asked the noble Earl the Secretary for the Colonies, who had been, as the House would hear with surprise, returned as Member for Melbourne, in Port Phillip—he asked him, in his capacity of representative of that place, what his views were on this question? The circumstances of the noble Earl's election were these: The parties on the spot were so dissatisfied with the present system of representation, that, apparently to reduce that system to an absurdity, refusing to elect five of the representatives, they chose the noble Earl as their sole representative. This strange election was seriously discussed in the Legislative Council; it appeared that a question was submitted to the law officers of the Crown to advise whether the return was a valid one. It was decided affirmatively. So the noble Earl not only filled his office at home, but was called to legislative functions in the Australian Legislature, for which he was especially unsuited, for the very conclusive reason that he could not be present in the place for which he had been elected. The occupant of Downing-street could not also act as Member for Melbourne. He gave this fact of the noble Earl's election for Melbourne as a proof of the state of colonial affairs, and the confusion into which our legislation threw them. If more consideration had been shown to the colonies, this country would not have seen two successive colonial governors obliged to sanction a violation of the imperial law in the case of the Municipal Courts Act—this country would not have seen the suspension of the New Zealand constitution. He trusted that the noble Earl, if he intended to persevere in proposing this Bill for altering the constitution of the Australian colonies, would give an assurance that it should only be submitted to Parliament, and would not be attempted to be carried during the present Session. It might advantageously be sent out to the colony, for consideration there. He thought that such a course would be a wise one, and he trusted that in the legislation of the next year there would be no more sacrifices made of the imperial character by careless or ill-considered proceedings in the framing of laws for our great and improving colonial possessions.

Earl GREY said, he regretted that a discussion upon the merits and details of a measure not then before their Lordships, should have been introduced upon the presentation of a petition. The noble Lord who had just sat down, no doubt believed that he had good reasons for the observations he had addressed to their Lordships. Personally, he (Earl Grey) had no other reason for regretting that those observations had been made, than that they would compel him, instead of simply answering the question of the noble Lord, to trouble their Lordships with a short explanation of the grounds of the determination to which Her Majesty's Government had come with respect to this measure. But before he proceeded to do that, he must refer to one point to which the noble Lord had adverted, and with respect to which he must confess he had heard his remarks with a great deal of surprise. The noble Lord had found great fault with the reference which had been made of this question to the Board of Trade. The noble Lord had described that course as unconstitutional, although he understood him to admit it was not unprecedented. With respect to its being an unconstitutional course, he would remind their Lordships that from the earliest time it had been the practice of this country that questions relating to colonial government should be inquired into by the Committees of the Privy Council; and, more than that, by this particular Committee of Privy Council. They would find that from the first time we possessed colonies, all the more important decisions of the Crown upon colonial questions had been always adopted on the report of this Committee. It was perfectly true that many years ago it was found that to conduct the colonial correspondence by means of the Board was inconvenient—that the Board was too cumbrous an instrument for details and mass of such correspondence; and for that reason the Secretary of State for the Colonies was especially charged with the correspondence of the colonies. But although this change had taken place, it still continued an invariable practice with respect to important questions for the Board of Trade and Plantations to advise the Crown in the form of a report. The greatest question of policy the Crown had to decide was, whether colonial acts should be allowed or disallowed. Those questions were invariably decided on in a report of the Committee of Council and a Committee of the Board of Trade and Plantations. The Secretary of State gave his opinion, as a member of the Board, in the form of a Minute; but many other departments were concerned; but if the question was purely a colonial one, the Secretary of State gave his decision as a member of the Board of Trade and Plantations. Such still remained the form with respect to the most important questions; and the Board had been called upon to advise on various questions of colonial policy which, considering the multiplicity of business which the Secretary of State had to transact, it might be difficult for him to decide upon. When Secretary at War, he remembered to have sat with the noble Lord (Lord Monteagle) as a member of the Board of Trade. A question with respect to the currency of Jamaica was referred to that Committee, on which Mr. P. Thomson took an active part, and the course adopted was at the suggestion of that Committee. Considering the extent of public business in this country, he thought it of the greatest importance that upon certain questions of great moment, which required consideration and examination, the Secretary of State should have the advantage of assistance further than he might be able to obtain from the Cabinet. At the same time, he need not tell their Lordships that all the Members of the Government were responsible for whatever act might be done in any one department; however, it might tend greatly to facilitate the business of Government, if on matters which required the examination of voluminous papers and mature consideration, the Secretary of State obtained any great assistance from the Council at large. This, then, appeared to him no innovation, but a mere return to an old practice, and that, too, with the great advantage, if the Secretary of State obtained any great assistance on an important question like the present. But he did not see that ultimately there was any shifting of the responsibility; Government, as Government, was still responsible for adopting or not the advice which might be tendered by that Committee of Council. In fact, every member of that Committee, with one or two exceptions, was a member of the Executive Government; and he need not point out to them that any report presented by that Committee would not be acted upon unless previously receiving the concurrence of the Secretary of State. On different occasions there was a somewhat more formal proceeding adopted by the Committee; they might call in witnesses, as they did in the case of the suppression of the slave trade, when they called and examined witnesses at considerable length as to the probable effects and consequences of the proposed measure, before the decision of the Government was finally taken and adopted. In that way it was that difficult questions were dealt with. Having thus far adverted to the merely preliminary points introduced by his noble Friend, he came now to the question which he rose for the purpose of putting. His noble Friend had stated that it was of importance that no Act should ever pass through Parliament affecting the constitution of any of the colonies without great deliberation, and it was important to ascertain whether the colonies concurred or not in the provisions of the Bill. He referred to a single instance; but he (Earl Grey) would not now go into the case of New Zealand, as it was not before their Lordships; and as for the case of New South Wales, he would leave that to his noble Friend opposite (Lord Stanley); but, at the same time, he could not concur in the opinion enounced by the noble Lord on the cross benches (Lord Monteagle) as to that arrangement. He thought, upon the whole, without entering minutely into details, and considering the circumstances when it was introduced, that the constitution of New South Wales, conferred about the year 1842 or 1843, had worked well. He entirely concurred in the opinion expressed by the noble Lord, that in matters of this kind it was of importance to have the opinions of the colonists before introducing the Bill; but he would find, upon looking to the papers laid upon the table, that it was never intended to bring in the Bill until an answer were received to the despatch which was sent out calling for the opinions of the colonists. The noble Lord, however, said it was by accident only, that the Bill before Parliament had not been something quite opposed to the wishes and opinions entertained in the colonies. It was no accident. He transmitted a despatch to Sir Charles Fitzroy, with orders to obtain the opinions existing in the colonies on the measure then in contemplation, the heads of which were transmitted in the despatch. He did obtain those opinions—they were adverse to the measure that was in contemplation, and it was not persevered in. With regard to the Bill before the other House of Parliament, his noble Friend said they ought not to adopt it at that late period of the Session, and especially without knowing what was the opinion of the colonists; but if the noble Lord would carefully consider the papers on the table in connexion with the Bill itself, he would perceive that the Bill proceeded upon this principle. In the Bill they proposed to leave the constitution of New South Wales as much as possible as they found it, giving the Legislature there—so constituted—the power of altering the constitution of the colony and of adapting it to their own wants, with this condition, that any such Bill altering the constitution must first be confirmed by Her Majesty, after having been laid for some time before both Houses of Parliament. The principle was this. That having already introduced a constitution into the colonies, any further alterations in the constitution should be made by the Colonial Legislature, it being the belief of Her Majesty's Government that no other interference could so effectually adapt the necessary alterations to the wants of the colony. There was merely this restrictive proviso, that any such Bill must first be laid before the Imperial Parliament for a sufficient time to give them opportunity to advise Her Majesty, if necessary, before giving Her Royal Assent. That principle appeared to him to be the great and proper principle on which to proceed; and, adopting that principle as the ground of the measure, there was not that objection which there would be, to proceeding with an Act of a different kind, at this late period of the Session. His noble Friend said, the Committee of Council, in their report, had made a mistake as to a matter of fact. He said, they stated that the colonies objected to two chambers, when that was not the case. If the noble Lord would carefully read the report, which he had referred to, he would perceive that, so far from that being the ground of objection taken by the colonists, they objected only to any alteration being made by other than the colonial legislature. In fact, throughout all their discussion, although the great preponderance of opinion was in favour of two chambers, they yet all concurred in this, throughout the debate, that no alteration in their constitution ought to be made except by their own legislature. If the noble Lord would refer to the despatches of Sir William Denison, he would find him expressing, in the strongest manner, opinions favourable to two chambers instead of one, but deprecating that alteration being made by the Imperial Parliament, and stating that, if made by them, such an act would be viewed with the deepest jealousy by the colonists. He (Earl Grey) had looked through the papers, and had gone through the debates; and he found the opinion of the colonists to be, that it might be advisable to change the constitution, and also for those elected by the Crown to sit in a separate chamber, but that that change ought not to take place, except by the concurrence of their own legislature. Such, then, was the Bill that had been laid upon the table of the other House of Parliament. It merely continued the existing legislature, giving them power to make the changes necessary for separating Port Phillip from the colony; it rendered applicable to the other Australian colonies the clauses of the already existing Act of Parliament to create in those colonies, if they desired it, a similar legislature to that existing in the colony of New South Wales; it gave to the legislatures thus created that power, which he had already mentioned, of changing their own constitution; and it also gave the colonies having adopted such constitutions authority, if they desired it, to create a central power, composed of deputies from all the different legislatures, to control and regulate the interests common to all the colonies. He said he should be reluctant to have this Bill postponed for another year. He was desirous that it should be passed this year. But he said he must add, that it was proposed to make a material alteration in the Bill which was now before the other House of Parliament.

Lord STANLEY remarked that that was No. 2 Bill.

Earl GREY said, it was so called as a matter of form; but the Bill was really a mere reintroduction of the former. The alteration which he referred to, was the omission of certain clauses which would have occasioned much obstruction to its course in the House of Commons; the clauses, namely, that created a common tariff among the colonies. He still thought that there ought to be a common tariff, and that it would much facilitate trade among the colonies; but he found that it could not be created here without creating also the detailed machinery necessary to carry it out; and as details could with greater advantage be left to the colonists themselves, and as it was never intended that that portion of the Act should come into operation till one year after, there was ample time for the colonies to agree on that subject, and to introduce a measure, if they thought proper, giving it effect. Having left that portion out, it was intended, with that alteration, to pass the Bill this year, and for the reason that it was of great importance to the colonies that it should pass. He had shown their Lordships that the Bill was what they asked for, that it authorised the division of Port Phillip from New South Wales, and that it empowered the colonial legislature to revive the constitution of the colonies. The importance of it to Port Phillip was pointed out by his noble Friend when he reminded their Lordships that an Act requiring the colonists to choose members of the legislature 600 miles off from the seat of the government, was nothing but a mockery. And, indeed, to show that the colonists so viewed it, they had elected himself (Earl Grey) as one of their members; but he was happy to say he had lost his seat.

The DUKE of RICHMOND: Will you stand again?

EARL GREY said, as he had taken his seat in their Lordships' House, he certainly should not. The colonists desired to have a local government of their own. If they postponed the Bill for this Session, he knew, from the way in which Bills were dealt with in the other House of Parliament, that their Lordships would have no better opportunity of discussing it next year. The Bill, he was assured, was ready to have been introduced as early as the 1st of May; but there being no opportunity of introducing it with the probability of its making progress, he had delayed till such an opportunity occurred. Moreover, there was little likelihood of things being much better, until the other House of Parliament, yielding so much in the privileges which they especially claimed, allowed certain Bills to be originated in their Lordships' House. The objection, however, to this particular measure was insuperable, notwithstanding that this was just such a measure as might most beneficially be originated and debated in that House. But their objection to it was this, that as the Bill was to create a legislative body, it was to create a taxing power, and they would not submit to have their privileges invaded. If it was deferred till next year, he could not see that its progress in their Lordships' House, amid the great pressure of domestic legislation, would be much earlier. He believed the true principle on which they ought to proceed, and on which the Bill proceeded, was to leave to the colonies themselves every matter which could fairly be left to them. Such was the course they proposed to take; and he found, from interviews which he had had with parties connected with the colonies, that it would be a source of great disappointment to them if the Bill did not pass this year.

LORD LYTTELTON said, he was surprised that a Bill of that importance should have been introduced at so late a period of the Session; but he confessed he did not expect that it would reach their Lordships' House during the present Session. Notwithstanding this, he could not but remark the position assumed by the noble Earl, who thought that he had received from the colonies sufficient expression of this opinion to enable him to bring in this Bill. As to that, he must say he thought that Her Majesty's Ministers had received a strong negative against parts of the former Bill; but he was not aware that they possessed any amount of opinions affirmative of the present Bill. He believed that part of the scheme of the Board of Trade must necessarily pass this year which authorised the separation of Port Phillip from New South Wales, and also such permissive parts of the Bill as regarded the creation of legislatures in the different colonies. As he did not think those parts of the Bill with respect to New South Wales, Van Diemen's Land, and West Australia were so urgent, he was inclined to postpone them; but if the noble Earl still pressed them to take the whole Bill, he did not believe they were prepared to pass it this Session. The noble Earl had told them that the Bill for the Australian colonies proposed to create a central power; but he found that that was a consequence not dependent on the consent of all the colonies, but only of two. There was another point, on which it was not his intention to enter now further than point it out to the noble Earl as one in which he did not find any provision in the Bill. He referred to the amount of money to be allocated by the colonies for the support of religion amongst themselves. For these reasons, and others that he might name, he concurred in the opinion expressed by his noble Friend on the cross benches (Lord Monteagle) with regard to the Bill. He said, whatever merits there might be in the scheme now proposed to their notice—and he was not prepared to deny that it had merits—he must yet say it fell short of the one essential merit that ought to be chief in any scheme—the merit of giving to the colonies statutory security for the observance of that one principle that all their own affairs would be left to the colonies untouched by the Parliament at home. He admitted that no one had oftener announced that principle as his own than the noble Earl (Earl Grey), and there might be reasons which prevented him from giving effect to that principle in the fullest manner; but still, allowing him all sincerity in holding such a principle, he was yet but a Secretary of State, who might be, ere long, replaced by another who utterly repudiated the principle. It was necessary, therefore, that the colonies should have some security that this principle would be acted upon. He admitted that in case such a principle were fully developed in the constitution of the colonies, there was a possibility of a collision between them and the Crown on matters of disputed jurisdiction; and some judicial authority might be necessary in that case to be constitutional. But still the Parliament would remain possessed of its judicial powers, and to it might be referred such cases of difficulty. He felt that this was the grand principle which ought to be carried out in their legislation for the colonies, and without which every scheme must fail.

Lord STANLEY said, his noble Friend who had just sat down had adverted to one point of considerable importance—to the inconveniences, namely, and the disadvantages occasioned to the colonies by the extensive control exercised over them by the Colonial Secretary, and also the inconveniences effected by succeeding Secretaries taking different views on the same question. And no doubt that circumstance subjected them to great inconveniences; but so far from these inconveniences, occasioned by the colonial authorities and the Secretary of State, being now in debate, it was a question whether they would not aggravate these inconveniences, and whether, in all their legislation, Parliament did not exercise an administrative control over the affairs of the colonies. Yet the Bill affecting this question had been brought forward for their consideration for the first time in the month of July. This Session was not likely to be of so long duration as some that they had seen, and it was desirable that they should not protract it unnecessarily. He believed that many of their Lordships would leave London, so as not to be present at the discussion of this Bill, about the end of the present month, when it came up to be discussed in an exceedingly thin House, a Bill involving principles of the greatest importance, and details of the gravest and most complex character. But it was not so much the importance of the principles as the complexity of the details necessary in regard to one point — he meant the introduction, for the first time, of a federative government by the union of all the governments of the colonies, to take into consideration their common interests. The adoption of any such principle at all was one that required serious consideration. Let him say that the House sank unduly in the estimation of the country and the colonies, when from year to year they rather passed than discussed measures, or at least passed them with little discussion, because measures, although prepared, were not introduced till a period of the year when consideration of their provisions and discussion was impossible. Let him point out to their Lordships that by the Bill this was a union sanctioned not by all the colonies, but such that, if it were agreed to by only two of them, it was binding on the rest, thereby introducing a novelty in legislation. He was told that if any two of them agreed—if New South Wales, suppose, being wealthy and populous, was desirous of absorbing the other governments, that colony had only to persuade Van Diemen's Land into agreement with them; and the two thus uniting had the power to compel the accession of the other three. But what were the details which were necessary not only for the well-working of the local legislature, but of this new federative power, created, if desired, by the Bill? The noble Earl opposite, in a despatch which he wrote about a year and a half since, detailed many of those particulars at full length which necessarily entered into the consideration of this Bill; and he did not mean to detract from the ability of the noble Earl, but he must say, that if Parliament abandoned their privilege of deliberating on the measures which required their sanction, and blindly submitted to the dictation of the noble Earl, or of any other Secretory of State, they debarred themselves from giving them that attention and that consideration which such measures required. The Bill which would be before them was one especially involving details of the greatest complexity, and he felt it the more necessary, therefore, that time should be given for its consideration. He knew it was difficult to gain the concurrence of Parliament on colonial measures at an early period of the Session; and for his part he had no wish to throw up impediments in the way of the noble Earl; but he must say, that unless the noble Earl consented to withdraw certain portions of the Bill, he must calculate on failing to carry it this Session, both on account of the opposition it would meet with in the other House of Parliament and in that. He would advise the noble Earl to confine the Bill to the separation of Port Phillip from New South Wales, and to permitting the institution of legislatures in the other colonies where they did not now exist. He would not enter now upon the question of a double or a single legislative body. If the colony was sufficiently large and wealthy, he believed it was desirable that there should be a second chamber as a check upon their legislation. But in the transition state from obedience to Orders in Council to a legislative constitution, he did not think it was an unreasonable or even an injurious practice to take the course which was the foundation of our own institutions, both bodies meeting in the same legislative chamber, and to leave the division of the one legislature into two bodies to be made at a future period. He said this because the examples which they had, in some instances, where no more than twenty-two gentlemen formed the whole colonial legislature, and where they were divided, fifteen in one House, and seven in another, had only served to cast an air of ridicule over their own institutions at home, without conferring much benefit, if any, upon the colony. For the consequence had usually been a collision between the two bodies, thus divided, as to questions of privilege, which would not have occurred in a state of society more advanced in political education. He thought that at present a single chamber might be advantageously introduced; but when society extended, it might be desirable to have a double chamber. He was of opinion, with respect to the colony of South Australia, whether one or two chambers were to be given, that it was not advisable to complex the question by introducing such extensive and difficult questions into the Bill. He thought that without doing so it would be in the power of the noble Earl opposite (Earl Grey) to separate Port Phillip from New South Wales; and if he would but confine his measure to that object, he would accomplish that which was most urgent, without encountering any factious opposition or delay; but if he did not so confine the object of the Bill, he (Lord Stanley) would not think it either factious or vexatious, that in the month of July, when the Session was near its close, every possible opposition should be given to the Bill. He hoped the noble Earl would consider that point, and endeavour to avoid the complexity to which he had alluded. He did not then ask for an answer from the noble Earl upon the point, but he wished the noble Earl to take the matter into his consideration; and he was quite sure that when he (Earl Grey) had made up his mind, he would give early information to the House as to the course which the Government intended to pursue, and not leave their Lordships in doubt to the last moment as to the course which was to be adopted. In conclusion, he begged to assure the noble Earl that if the Bill were fairly considered, and its objects limited as he had suggested, there would be little difference upon it.

Earl GREY said, he would certainly take the suggestion of the noble Lord into his consideration, but he would not then express any opinion upon it. He saw great difficulties, however, in separating the measure as proposed. There were one or two points on which there appeared to exist some misapprehension; and he wished to correct that misapprehension lest it might produce erroneous opinions abroad. He had said that nothing had been introduced into the Bill which had not already been before the colonists. The noble Lord on the cross benches (Lord Monteagle) had said that, with respect to religious matters, the Bill proposed certain alterations; but he could assure that noble Lord that the Bill only continued and re-enacted the present law, giving, however, greater powers of alteration to the local legislature than was at present possessed in New South Wales. They took the existing mode of appropriation, only extending the power of alteration. In the same manner with respect to Van Diemen's Land, they took the existing system of appropriation, and they continued to the colonists the same security with regard to religious purposes and giving effect to the existing law with the concurrence of the Crown. The greatest difficulty and inconvenience had been experienced in those distant colonies from the want of some means of combining their general interests; and the House would perceive from the sixth resolution, which was contained in the papers which had been laid upon the table of the House, that that inconvenience had been greatly felt. It had been said that there was no statutory certainty given as to the course to be pursued by the Home Government. He was decidedly of opinion—and he was sure that his noble Friend opposite (Lord Stanley), who had held the same situation which he now filled, would coincide with him in that opinion—that there ought not to be any interference on the part of the Home Government in the local affairs of the colony. But it would be in the highest degree injurious to attempt to define by Act of Parliament to what extent the authority of the Crown should be exercised; and it had been the invariable practice of the Home Government to disallow all laws which were made by the colonists which were considered injudicious. The Crown had always reserved that right; and he thought that no Act of Parliament should be passed which should limit that right. He was convinced that in all those colonies in which questions respecting the slave trade had not arisen, that in matters of local concern it had not been the practice to disallow any of the acts of the local legislature; but if they were to postpone the measure until such a statutory provision with respect to the power of the Home Government was introduced, they would postpone the measure indefinitely. He thought their Lordships would find that the object of the measure, as it stood, was to give to the colonists a power over their own affairs.

Petition to lie on the table.

AUDIT OF RAILWAY ACCOUNTS BILL.

LORD MONTEAGLE moved the Second Reading of this Bill, and stated that the Bill was precisely the one which had been recommended by the Committee which had sat on the subject, and all that he thought it necessary to do therefore was to move the second reading.

The EARL of LONSDALE differed entirely with the noble Lord as to the principle of the Bill, and objected to the power which it conferred upon the Government of interfering with private commercial speculation and enterprise—for a railway company was as much a private trading company as any other company—and he saw no reason why Government should be allowed to interfere with such companies more than any other. They might just as well interfere with the affairs of gas or steamboat companies, or any other private company, as with railway companies. It had been taken for granted that the shareholders in these undertakings were in favour of the measure; but their Lordships had no proof of that fact. He thought the affairs of the railway companies should be left in the hands of the proprietors, and he objected to giving the Government unlimited power to send as many accountants, auditors, and other officials as they pleased, weekly or monthly, to examine the affairs of railway companies; and the shareholders in those undertakings had not asked for such interference. From the communications he had received, he understood that the railway proprietors were against the measure; and he hoped the noble Lord would take the advice which he had given with respect to the Colonial Bill, and defer the measure until next Session. All the railways in the kingdom had their half-yearly meetings in August; and he thought the Bill should be postponed, that the opinions of the shareholders might be taken upon it at that period, for at present they were legislating in the dark. He thought they were wrong in interfering with railway companies at all, for they might just as well interfere with the East India Company or the Bank of England; and he protested against the species of interference proposed by the measure, and he would therefore move that the Bill be read a second time that day six months.

LORD MONTEAGLE said, it would be in the recollection of their Lordships that the principle of the Bill had been unanimously agreed to without a division in the course of the last Session. It had been repeatedly discussed in that House, and he had been pressed to introduce it. He proposed to submit the Bill to a Committee, that the parties interested might have an opportunity of seeing it in an intelligible shape, so that they might understand it. If the Amendment of the noble Earl were carried, the House would be negativing the proceedings of their own Committee, and disappointing the expectations of the country. If any alarm was felt as to the operation of the measure, it was the most unfounded alarm of which he had ever heard; for not a single petition had been presented against it, although many opportunities had been afforded of doing so, and they had had many petitions in favour of it. Under these circumstances he trusted there would be no objection to the Bill being read a second time, and the noble Earl could raise his objections in Committee.

The Earl of YARBOROUGH said, that with respect to there being no petition against the Bill, that was accounted for by the fact that the Bill was only printed on Saturday last, and the second reading was moved that day, so that the country had no opportunity of expressing any opinion upon it. Whether the shareholders agreed to it or not, he did not know, but he saw that an auditor was to be appointed by the Government, who was to be paid by the company, and who would have the power of going to examine the company's account, whether it would be convenient or not; and his (the Earl of Yarborough's) experience told him that a great deal of difficulty and inconvenience would be the consequence of such a proceeding. He did not mean to say that a more perfect system of auditing railway accounts might not be adopted; but he was by no means satisfied that the system proposed by the Bill was the most perfect system that could be devised, and he therefore thought, with the noble Earl opposite, that the Bill should be postponed until next Session, to give the shareholders an opportunity of expressing their opinion upon it; and he did not see why the operation of the Bill should be confined to railway companies alone.

On Question that the word "now" stand part of the Motion,

House divided:—Contents 10; Non-Contents 5: Majority 5.

Resolved in the *affirmative*. Bill read 2^{a}, and committed.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 2, 1849.

Minutes.] Public Bills.—1^{o} Titles of Religious Congregations (Scotland); Turnpike Acts Continuance, &c.; Highway Rates; Poor Relief (Cities and Boroughs).

Reported.—Consolidated Fund (3,000,000*l.*); Excise Benevolent Fund Society; Bankruptcy (Ireland).

3^{o} Turnpike Roads (Ireland); Marriages in Foreign Countries Facilitating; Sewers Acts Amendment (No. 2).

Petitions Presented. By Mr. Heywood, from Burnley, and other Places in Lancashire, for Universal Suffrage.—By Mr. Williams, from Cwm, Flintshire, respecting the Welsh Language in the Established Church (Wales).—By Colonel Mure, from Glasgow, against, and by Mr. Stuart Wortley, from the Committee of the Baptist Union, in favour of, the Marriages Bill.—By Mr. H. Baillie, from Kingston, Jamaica, for Alterations in the Constitution of Jamaica.—By Mr. Granger, from Durham, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Lawrence Heyworth, from Lunt and Thornton, respecting the Lancashire County Expenditure.—By Lord Brooke, from Warwick, and by several other hon. Members, from a Number of Places, for Agricultural Relief.—By Colonel Lindsay, for an Alteration of the Law respecting the Conditions on which Grants in Aid of Education are dispensed.—By Mr. C. Anstey, from Samuel Doubleday, of Nottingham, for Inquiry respecting the Nottingham Lunatic Asylum, and for Measures for the better Protection of Lunatics.—By Mr. Duncuft, from Oldham, against the Mines and Collieries Bill.—By Mr. Scully, from Ballysheehan, for the Protection of Women Bill.—By Colonel Rawdon, from Armagh, for Sanitary Measures.—By Sir J. M'Taggart, from Stranraer, against the Public Health (Scotland) and the Police of Towns (Scotland) Bills.—By Mr. Brotherton, from Great Grimsby, for an Alteration of the Sale of Beer Act.—By Mr. Alderman Sidney, from Stafford, for the Scientific Societies Bill (1848).—By Sir E. Buxton, from Wattisfield, for the Suppression of the Slave Trade.—By Mr. R. Hildyard, from Whitehaven, for an Alteration of the Small Debts Act.

CHINA.

Mr. BAILLIE wished to ask a question of the noble Lord the Foreign Secretary with regard to the affairs of China. By the last accounts from that country, it appeared that the Emperor had ordered an official communication to be made to Her Majesty's Plenipotentiary, Mr. Bonham, to the effect that he did not intend to observe the first article of the treaty signed by the Imperial Commissioner, Keying, with Sir J. Davis, by which, at two years from the 6th of April, 1847, Canton was to be open to British subjects. No ground was stated for the objection, except that it was the wish of the people; and by the same account it also appeared that the Chinese authorities had sanctioned the violation of one of the chief articles of the treaty of Nankin, which was as follows:—that the Government of China, having compelled the British merchants of China to deal exclusively with the Hong merchants, licensed by the Chinese Government for that purpose, the Emperor agreed to abolish that practice in future in all parts where British merchants resided. It appeared that the guilds, or mercantile corporations of Canton, had lately assumed the right of issuing a proclamation prohibiting dealing with foreigners, and that a highly respectable man, named Shing-Lee, who was in the habit of dealing with foreigners, had been seized by the Chinese authorities, thrown into prison, tortured, and ultimately put to death; and that several other persons who were in the habit of dealing with foreigners were obliged to make their escape in order to avoid a similar fate. He wished, therefore, to ask the noble Lord whether it was the intention of Her Majesty's Government to compel the due performance of the stipulations of the treaties entered into with the Chinese Government, or whether they thought it more advisable to humour the prejudices of the Chinese people by allowing them to violate the rights which the people of this country had acquired under the treaties he had referred to; and also whether the noble Lord had any objections to lay on the table of the House the instructions upon which Her Majesty's Plenipotentiary had hitherto acted?

VISCOUNT PALMERSTON said: I know that this subject is one which at the present moment excites considerable anxiety amongst those persons in this country who are connected with the trade to China; but I am inclined to think that that anxiety does not rest upon any solid foundation. It is quite true, that by the existing treaty engagements between this Government and the Chinese Government, British subjects were to have been allowed to enter the city of Canton upon the 6th of April; and it is also true that the Chinese Government have demurred to giving British subjects the enjoyment of that privilege, alleging, as a ground for so doing, that there is such an amount of irritation and jealousy prevailing among the population of Canton of the lower classes, that the Chinese Government would not be able, by the means at their disposal, to prevent outrage and insult being offered to British subjects, which might tend to disturb the friendly relations existing between the two Governments. Her Majesty's Government have not yielded the rights which the treaty conferred upon British subjects. Her Majesty's Government have claimed and declared that they continued to possess the right on the part of British subjects at Canton of entering Canton from the 6th of April. But, nevertheless, the alternative being either to enforce that right immediately by force of arms, or to consent to a temporary suspension of their right, we have thought it more wise and more beneficial to the interests of this country to abstain for the moment from using compulsion to enforce our rights, believing that there was some ground for the supposition of the Chinese Government, and being satisfied that there was a disposition among the lower classes of the city of Canton to insult and attack British subjects. And even if, by the employment of force, the concession we sought was granted, we were of opinion that after it was obtained the privilege was not one at present that it was of much importance for British subjects to enjoy, and that after it was obtained it might lead, by its practical enjoyment, to consequences which Her Majesty's Government and this House would not wish to take place; we, therefore, claiming the right, claim to ourselves to exercise the right whenever we think it can be done without inconvenience; and the Chinese Government do not dispute the right, but simply ground the postponement upon facts, the value of which we are fully prepared to admit. As to the second question of the hon. Member, it is connected with an agitation which, partly arising spontaneously, and partly very likely created by interested parties connected with that agitation, and which arose in the question pending, whether force should be employed on the 6th of April—there is a combination, I believe, to the effect which the hon. Member mentions. I do not bear in mind all the circumstances; but, as far as I am informed, these were the acts of individuals, and not the acts of the Chinese Government. But it is the intention of Her Majesty's Government to exact from the Chinese Government a full and faithful peformance of such of their treaty engagements as it may be useful for this country to enjoy, and among them is the engagement that British subjects should not be restrained by corporations in their dealings with the Chinese. I thought the hon. Member was going to advert to another case, where a sort of modified Hong had been sanctioned for the purchase of Chinese produce. Her Majesty's Government had made representations against this; and I believe that their representations have been successful, and that this modified Hong will shortly cease to be in operation.

MR. BAILLIE wished to know whether the noble Lord would have any objection to lay upon the table the instructions given to Her Majesty's representative in China?

VISCOUNT PALMERSTON said, he must decline to do that. It was evident that, at present, when representations were being made to the Chinese Government, it would not be expedient to make those instructions public.

Subject dropped.

STATE AND PROGRESS OF PUBLIC BUSINESS.

LORD J. RUSSELL: Sir, it will be convenient that I should make now a statement of the progress of public business, before moving the orders of the day. I will first notice the Poor Relief (Ireland) Bill. That Bill having gone through Committee, and several additional clauses having been proposed and added to it, I propose that the House should sit at twelve To-morrow for the purpose of continuing and concluding the progress of that Bill through Committee. I shall propose, when it goes through Committee and is reported, that the third reading should be taken on Monday, as I am very desirous that the attention of the House of Lords should be speedily called to this Bill. On Friday next, as I have already stated in a former discussion, we propose to take the Scotch Marriages and the Scotch Registration Bills before any other business. After the consideration of these Bills, the Chancellor of the Exchequer will propose advances of money upon railways in the west of Ireland, and the advances necessary for the immediate relief of the distressed unions in the south and west of Ireland. On Monday we propose, as I said, to take the third reading of the Poor Relief Bill, and on Thursday and Friday in next week we propose to proceed with the Ordnance estimates and the remaining estimates in Committee of Supply. I stated on a former occasion that it was possible we might have to postpone the opening of the Irish colleges which have been sanctioned by Act of Parliament, until next year. But I have received communications from various quarters in Ireland which induce me to think that it would be a very great disappointment to many persons who are anxious to send their sons to these colleges, if they were not opened this year ; and it will be necessary to ask for a sum of money in Committee of Supply for the outfit and expenses necessary for opening these colleges. There is another Bill in respect to which many inquiries have been made as to when it will be proceeded with—I mean the Bill introduced for the better government of the Australian colonies. We propose to take the second reading of that Bill on Monday, the 16th, and I will take this opportunity of stating, that we mean to propose some very important changes in the Bill with regard to two points of the greatest importance. One of these alterations is with regard to the tariff which it was proposed to enact in this Bill. We propose to omit that tariff, giving to the General Assembly of the Australian colonies the power of making a general tariff for the whole of those colonies. And with regard to the second point, the price of lands, which we had proposed should be fixed finally by Parliament, we now propose that the General Assembly shall have the power of altering the price of lands when it shall think necessary. The particulars of the Bill will be stated on the second reading; and I trust we shall obtain the general assent of the House to that Bill, which I regard as of the greatest importance to the government of our Australian colonies, and which has been for a long time desired by those colonies. With respect to some other Bills of less importance, I do not propose to give any of them up to-night, or to discharge the orders; but I will put them for a near day, and then I will propose to discharge the orders of the day on those Bills which it shall appear cannot be proceeded with this Session. I now come to another Bill of much importance, the Bill relating to the Ecclesiastical Commission. That Bill is founded on the Bill introduced into this House I think three centuries ago. Great objection was made to that Bill on the part of the late Archbishop of Canterbury and the bishops composing the Ecclesiastical Commission, and on their representations I gave up that Bill, and consented to the appointment of a Select Committee, which made a report favourable generally to the Bill, and I have every reason to anticipate the consent and approval of the House to that Bill. But it is represented to me from many quarters, that while the Commission is pending with regard to the leaseholds of the Church, and while there is the Commission of Inquiry still sitting which was recently moved for by my noble Friend the Member for Bath, it would not be desirable to proceed with that Bill. I have reason also to expect considerable opposition to the Bill in the House of Lords in the shape in which it now appears, and I have therefore come to the conclusion that there will be a better chance of passing it to a final and satisfactory conclusion by postponing the Bill to another Session. I do not, therefore, intend to go on with that Bill. Then with regard to another important Bill, the Charitable Trusts Bill, we propose to take a similar course. The illness of my noble Friend the Lord Chancellor, and the importance of the subject, have rendered it undesirable that we should proceed with it this Session. There are, however, one or two subjects of very great importance, on which it is necessary we should bring measures before the House, and explain the grounds on which they stand, and what part of them it is desirable should be passed in the present Session of Parliament. The most important of these Bills relates to the question of lights and pilotage dues. My right hon. Friend the President of the Board of Trade is anxious that there should be a morning sitting, in which he can explain to the House his general views and those of the Government on these points, without proceeding to legislate this year for the amendment of the law respecting the mercantile marine. My right hon. Friend proposes that there should be a morning sitting at twelve o'clock on Tuesday the 10th instant, to enable him to introduce this subject to the House. On Monday in next week, the 9th instant, I propose that we should take into consideration the amendments to the Incumbered Estates (Ireland) Bill. This is a Bill to facilitate the sale and transfer of incumbered estates in Ireland. The substance of this Bill has been printed with the Lords' Amendments, the greater part of which we consider improvements. But there is one amendment of the very highest importance, which it is desirable should receive the deliberate consideration of this House. I propose that this proposition and the Lords' Amendments should be taken into consideration on Monday next. I do not know whether there are any other measures on which it is necessary to state the intentions of the Government. There are Bills of less consequence than those I have mentioned, but which will depend upon the disposition of the House to forward them, and respecting which I do not think it necessary to make a further statement at this period. I trust that at present there will be no objection to the third reading of such Bills as are upon the Paper for that stage.

Mr. B. OSBORNE said, there was one Bill omitted from the catalogue of the noble Lord, with respect to which great anxiety was felt among his constituents—namely, the Bankruptcy Bill. He wished to know what course the noble Lord intended to adopt with respect to that measure?

Lord J. RUSSELL said, that he had unintentionally omitted to refer to that Bill. He had intended to have stated that it was at present under the consideration of a Select Committee. He believed that there was a very general assent, on the part of the Committee, with respect to the objects of the Bill, and he thought there would be no great difficulty in going on with it in the present Session. There might, probably, be several Amendments to propose, but the greatest importance was to be attached to the principle of the measure.

Mr. F. MACKENZIE wished to know whether it was the intention of the Government to press forward the Marriages (Scotland) and the Registering Births (Scotland) Bills. There were also two other Bills of great importance to which no reference had been made by the noble Lord—namely, the Public Health and the Police of Towns Bills. He wished to know what was the intention of the Government with respect to those measures.

Lord J. RUSSELL said, that he should wish to ascertain the opinion of the House as to whether it would be desirable to proceed with the two last-mentioned Bills during the present Session. They were Bills of considerable importance, and Her Majesty's Government would not press them if they found the general opinion of the House to be against their doing so.

Mr. ROEBUCK wished to ask the Attorney General a question with respect to a Bill which had not excited very great attention, although one of the highest importance—he referred to the Juvenile Offenders Bill. What did the hon. and learned Member intend to do with that measure?

The ATTORNEY GENERAL said, that the Bill would contain only a single clause, which he admitted was one involving a principle of considerable importance. He proposed to proceed with it this Session, but should certainly not press it forward during this week.

Mr. HUME objected to the proposal of the noble Lord to meet on Tuesday at twelve o'clock. Several Committees were appointed for that day, and if the House met at twelve, it would probably adjourn at four, or half-past four, and it would be six o'clock before it would be possible to get to public business. How could it be possible, in such cases as that, to discuss such questions as that of the Irish Church, or any other important question? He thought it too bad that all the indulgence which the Government had received from hon. Members at the beginning of the Session, in consenting to give up Thursdays, should be thus repaid. Her Majesty's Government appeared to him either to have no conscience, or that they wished to prevent any independent Members from bringing any subject before the House. He most strongly protested against such a course.

MR. GLADSTONE wished to ask a question with respect to a subject which he had hoped would have been included in that portion of the enumeration of the noble Lord which referred to the intention of the President of the Board of Trade, with respect to the questions of pilotage and light-dues. He had hoped that it would have been in the power of the Government to have introduced, in the present Session, some measure with respect to the Merchant Seamen's Fund. No doubt it was now too late to have any Bill passed upon that subject during the present Session, as it would require some time for consideration; but if such a measure were laid upon the table of the House before the close of the present Session, the subject could be gone into in the interval of the two Sessions. If a Bill on the subject were introduced in the present Session, it might be reasonably supposed to pass during the ensuing Session; but if not introduced until the next Session, he was afraid that it would not be passed until the year after that. The longer this question was delayed, the greater would be the difficulties of its final settlement.

LORD J. RUSSELL could not at present say what course would be adopted with respect to the Merchant Seamen's Fund.

Subject dropped.

STATE OF THE NATION.

MR. DISRAELI: I rise, Sir, to propose that this House should form itself into a Committee to consider the state of the nation. I do so, Sir, because, in my opinion, great and general distress prevails in this country; and because I believe that that great and general distress has been progressive since the formation of the present Government. The noble Lord and his Colleagues have possessed the Government of this country for three years—have possessed it uncontrolled — uncriticised. They have passed all their measures—they have not had to encounter an organised opposition. No body of men has undertaken the Government of this country heretofore under circumstances so favourable as those enjoyed by the noble Lord and his Colleagues. Such being the case, one is inclined to contrast the situation of England at the present moment with what it was at the period when the noble Lord and his Colleagues assumed the reins of power. I need scarcely recall to the recollection of hon. Gentlemen the condition of England at the commencement of and during the year 1846—of England in all her relations. A profound tranquillity prevailed throughout Europe; and if one of those critical conjunctures which will occasionally occur in the complicated transactions of great States did arise—so great, and so justly great, was the influence of England, that the friendly mediation of this country uniformly resulted in an amicable settlement of the question at issue. At that moment also, our colonies, after suffering great vicissitudes—I will not stop here to characterise them as vicissitudes arising from our own inconsistent legislation—but after enduring great vicissitudes, our colonies had reconciled themselves to the new position in which they were placed, and to the great and almost insuperable difficulties with which they had to contend, so that there then existed in those colonies a quality which, I fear, no one can pretend to discern there now—I mean—hope. At that period, the commencement of 1846, our export trade had reached an amount which never before was attained by that branch of our commerce. At that period those various classes which formed what is popularly called the agricultural interest, were prospering, not so much from the enjoyment of what is called high prices, but from being able to raise from the soil a greater quantity of produce than had been gathered from it for many years, and also because they were sure of a market wherein to dispose of that produce. At that period the state of Ireland, if not entirely satisfactory to those who are its real friends—if it were still the victim of political empiricism, and if the only cure for its evils was still considered to be the sending to it of messages of peace—still was, as compared with its present state, in a condition of comparative happiness. Finally, in the Exchequer there existed a surplus revenue of between 3,000,000*l.* and 4,000,000*l.* sterling. Now I apprehend that no Gentleman in this House, on whatever side he may sit, will rise and assert that the characteristics of the present period are of a similar nature to those of the time to which I have adverted. European tranquillity and English influence seem to have disappeared together. Our colonies are, many of them, ruined—all of them discontented—some of them are, or have been, in insurrection. Our foreign trade has fallen off, from the commercial year ending with the commencement of 1846, to that terminating at the beginning of the present year, by the declared value of seven millions of money. Our once prosperous agriculture is prostrate. Ireland is in a state of social decomposition. And as for our revenue, the surplus of 3,000,000*l.* has been succeeded by a deficiency to the same amount — a deficiency which has only been terminated, not by the act of the Cabinet, but by the interference of this House—an interference which I am now calling for upon a much greater scale—while all this time the hon. Gentlemen who were the great prophets of increased prosperity and enlarged national wealth, have absolutely—with a readiness which, however, the exigencies of the occasion certainly justified—forced the Government, although they are its supporters, to reduce their expenditure amid hysteric shrieks of financial reform. Now, there have been times before this when a Member of this House, at a moment of distress and depression, might easily, in comparing the troubles then experienced with the prosperity which had passed—might easily have formed a striking contrast; but there is one remarkable feature of our present condition which never had an existence before, and which no Member of this House could before have availed himself of. This remarkable circumstance is, that this prosperity, the absence of which we now so much lament, and upon which we gaze back with such longing eyes, was, while we were in possession of it, a source of the greatest discontent. While we were enjoying all these advantages we were thoroughly dissatisfied. We were not satisfied with driving the largest foreign trade ever enjoyed, and attaining at the same time a profit: nothing would satisfy them but becoming the workshop of the world. Instead of being content with the English farmer because he produced a greater quantity from the soil than any farmer in Europe or America, we denounced him as an unskilful sluggard. Notwithstanding all the sacrifices which had been made by our colonists — sacrifices which no body of men ever yet bore up under with greater spirit—they were told that they must make still greater exertions. Not satisfied with possessing an ample surplus revenue, and discreetly administering it, we insisted that the tea duty should be taken off immediately. Notwithstanding we possessed the greatest influence in our external relations, and mainly secured the tranquillity of Europe; even that did not satisfy us; and we insisted on having perpetual peace and cosmopolitan philanthropy. What, Sir, have been the consequences of these aspirations? Three years and more have elapsed, and we have upon this table a most elaborate —a most authentic evidence of the condition of the people. I apprehend that hon. Gentlemen will agree with me that the best test of national prosperity is the employment of the great mass of the working population at a fair rate of profitable wages—wages which leave a profit to the employer; otherwise the wages enjoyed by the employed would not have much chance of lasting. The rise or fall of pauperism, then, especially when great fluctuations take place, is the best test of the state of the body politic, especially if we consider the condition of the ablebodied pauper. Now, in this House, where there are so many political systems advocated with such ability and such a redundancy of economic theories, few of us have time to pause and think and take a general view of affairs. We are apt to forget, or rather not to be conscious of, the changes which are continually occurring beyond and about us; and our attention is not drawn to results until they become realised. If we look to the condition of the ablebodied poor in England at the commencement of 1846, and to their condition, as detailed in the last authentic information upon the subject, the result will, indeed, be startling. And here, let me remind the House, that, in the observations which I shall make, I intend to appeal to none but authentic and official documents; and I hope that none but such will in turn be used against me. What, then, is the account given by the Poor Law Commissioners in the report which they have last laid upon the table, as contrasted with the state of things in 1846? The increase in the ablebodied poor alone amounts to 74 per cent. The increase of pauperism generally, taking in all classes who receive public relief, is 41 per cent. The increase of expenditure for the purpose of supporting pauperism is near 25 per cent. On Lady-day, 1846, there was of ablebodied poor being relieved —indoor 85,671; outdoor 296,746: making a total of 382,417 persons. On Lady-day, 1848, that number had increased to — indoor poor 155,879; outdoor poor 510,459: making a total of 666,338 persons. On Lady-day, 1846, the poor of all classes amounted to 1,332,089. On Lady-day, 1848, the number had risen to 1,876,541.

On Lady-day, 1846, the expenditure for the relief of the poor amounted to 4,954,204*l.* The last report has shown the amount to be swollen to 6,180,764*l.* Now, Sir, I say that that statement alone justifies the Motion which I am about to make. When it is remembered that in three years the pauperism of this country, as regards the ablebodied, has increased 74 per cent; that, Sir, is, I say, a fact which demands immediate attention and inquiry at the hands of the House of Commons. I know that there are ready reasons to account for these deplorable results. The commissioners themselves have given reasons, and I refer to them in preference to any which I may hear from hon. Gentlemen. But reasons to account for the result do not alter the result. The stern fact of great depression remains. It was said in the last report of the commissioners, in respect to pauperism, that the sad increase, which they deplore, may be accounted for by manufacturing depression, and by immigration from Ireland into England. I shall consider, in their proper places, both of these important subjects; but the House will be labouring under a very great mistake if they suppose that these results to which I have referred can be explained merely by depression in the manufacturing districts. Here is a table of the Poor Law Commissioners, which contrasts the state of twelve purely agricultural counties, and that of twelve purely manufacturing counties, at the commencement of 1846, with their condition at the corresponding period of 1848. True it is that the increase of pauperism in the manufacturing counties is greatest. True it is that that increase was, of course, occasioned by that manufacturing depression to which the commissioners have referred, and in one great instance, also, by the immigration from Ireland; but, alas! if we examine the returns from the agricultural districts omitted from the consideration of the commissioners, we shall find the result, if not quite so mournful as that relating to the manufacturing counties, still full of alarming import. The average increase of rates from the standard of 1846 to that of 1848 has been in manufacturing districts 39½ per cent; and if I omit from the twelve counties in question that of Lancashire, the chief seat of Irish immigration, the average increase of rates in the manufacturing districts is something under 25 per cent. But the average increase in the agricultural districts during the same period is about 16¼ per cent. In some counties purely agricultural—in Herefordshire, for instance, a district naturally free from those agencies and influences which the manufacturing system is supposed to exercise — the increase is no less than 21 per cent; and in the county of Buckingham it amounts, I am sorry to say, to 23¾ per cent. Now, Sir, a year has elapsed since that period of which we have the last official and authentic information. To form an estimate of the present state of pauperism, hon. Gentlemen must in this debate consult their own experience; but I think that he would be a sanguine man who would, on the whole, draw a more favourable result than that which the commissioners have last laid before us. For if there be, as I hope there may be, some modification of the amount of suffering in the manufacturing districts, what is to be said as regards the pauperism of the agricultural districts since Lady-day, 1848? Such being then the state of the country—such being the condition of the people, as proved by documents of the most unquestionable character, I conceive, I repeat it, I conceive it to be our paramount duty not to disperse and go to our respective counties without inquiring into the cause of this unprecedented—this progressive—decay of the country. I conceive that that is not only a legitimate subject of discussion, but that it is our first duty to come to its consideration. I am of opinion, further, that the form in which I have brought on the subject is a right and proper form. My hon. Friend the Member for Montrose has, indeed, given notice of an Amendment on my Motion. Sir, the hon. Gentleman is very fond of giving notice of Amendments—a fondness which the more surprises me, as I have no recollection of the hon. Gentleman having ever succeeded in carrying one. But as Mr. Fox used to say, that in play there were two sources of pleasure, that of losing and that of gaining; I have no doubt but that the hon. Gentleman has, during his political career, enjoyed in its perfection the former source of gratification. But, indeed, my hon. Friend announced, before he heard what my Motion was to be, that he intended to move an Amendment; and from the observations which then and at other times fell from him, I rather imagine that his objection to my proposition is that it is not more definite as to results—that I have not laid resolutions on the table of the House, informing the House of the course which I recommend, and of the policy which I approve. Surely the hon. Gentleman must know that the Motion of which I have given notice, is a regular and constitutional Motion, the consequences of which cannot be misunderstood, and the import of which is perfectly intelligible. My hon. Friend was in Parliament when a Motion similar to this was brought forward. I rather think, indeed, that he voted upon it—I refer to Mr. Tierney's Motion in 1813. Therefore the hon. Gentleman ought to have known that it was quite unusual to lay resolutions on the table of the House. Sir, we impugn the policy of the Government—we consider the state of the nation to be alarming, and we consider that state to have been mainly occasioned by the policy of which Her Majesty's Government are the representatives. Wishing, therefore, to challenge that policy in every respect, we have had recourse to a Motion which the noble Lord will not pretend to say is irregular. I am well aware that had our object—our sole object—been the embarrassment of Government, that we might have framed a Motion of a very different kind—one which would have rallied round it a greater number of supporters than at present we can hope for. We might have fished for hon. Members here, and caught hon. Members there. But that was not our object. We wished to put before the country our opinion on the present condition of affairs. If our facts can be controverted—if our arguments can be baffled, so much the better for the party who can so controvert and so baffle. But we believe this to be a question totally independent of a chance majority of the House. We believe it to be a question on which ultimately public opinion must decide, whatever a chance majority may for a time determine; and we believe that, under present circumstances, we are doing our duty to our constituents and ourselves in coming down and in a straightforward manner impugning in detail a policy which we oppose, and in laying before the House and the country the reasons why we think that the present Administration does not deserve the confidence of Parliament. I know that that is not the modish way of proceeding. I know that it is thought by some hon. Gentlemen that the principles of the present Government are very good principles, but that they are not practised by the right men. Now, I have not that degree of self-confidence and complacency in which men more able and more experienced than myself have a right to indulge. I say now in public, what I have always said in private, that if the country is to be governed upon Whig principles, I prefer that it should be governed by the Whigs. But as I believe their whole system to be a pernicious system, as they have identified themselves with a course of policy which is aggravating the distress of the country, and, as I believe it, moreover, to be in my power to prove that these things are so — I give them—I must give them—a frank, I hope not an ungenerous, but still an uncompromising, opposition; and I take this opportunity, on the part of myself and my friends, of laying before the House and the country the reasons why we are thus in opposition. Now, Sir, I have placed before the House the state of the working classes of the country at this present moment. I appeal to that state not only as a justification of my Motion, but as an urgent cause why that investigation should take place which I have now to call upon the House to entertain. I want to know why there is such a depreciation in the condition of the people of England. I want to know why there is such an increase in the number of ablebodied paupers in England, an increase in three years of not less than 74 per cent. Let that be explained. I want to know, too, why there is such a relative increase in the general mass of pauperism, and in our expenditure for the relief of that pauperism. Now, I must make one observation before I enter into that investigation, that the noble Lord opposite may not accuse me of anything like disingenuousness. I shall draw my facts and arguments from the circumstances which marked the commencement of 1846. Now, with regard to the measures which were passed in the early part of that year, the noble Lord is not formally responsible—for, among others, the very important alterations in the tariff. For those he is not responsible, because he was not in power when they were effected; but I take it that the present Government do not shrink from that responsibility—that, in fact, they accept those measures; and, indeed, the noble Lord, in alluding to certain communications with our gracious Sovereign, proved to the House and the country that it was only an accident which prevented him from being Minister in 1846, and from proposing changes similar to those which in that year were actually carried. I will now, then, endeavour to discuss the cause of this deterioration of the people—of this decay of the country. I repeat that I want to know why there is such an increase of pauperism? I want to know why, when we had a right to expect—according to the predictions of persons in authority—not only the maintenance, but a vast increase of our prosperity—I want to know why the result, instead of this, should have been the lamentable picture which I attempted to draw—taking my materials from the records of official authorities? Sir, the first reason I would allege for the distress of the country is—the decline in our foreign commerce. A reduction in three years to the extent of 7,000,000*l.* sterling in our exports, hon. Gentlemen must understand to be likely to be the means of producing great distress, and seriously diminishing the employment of the people. I see by official documents laid upon the table, that in the year 1845 our exports amounted to 60,000,000*l.*, while in the year 1848 they fell to, in round numbers, 53,000,000*l.* Now, I recognise in that diminution of our exports one of the causes of our national distress. I can easily understand that hon. Gentlemen, who may follow me in debate, may be quite ready with various reasons to account for this decline in our exports. We know pretty well, indeed, the sort of arguments which will be brought forward for the purpose. There will be Irish famine—of course. There will be railway investment—naturally. There will also be commercial speculation—at least we have heard of that two or three times; and as for continental convulsions—that plea is always kept for the climax of the Chancellor of the Exchequer. Before I proceed then with my analysis of the causes of distress, let me notice these usual representations of those who do not believe in the permanency of that distress. Sir, there is no doubt but that the partial famine in Ireland was a great calamity; but the direct consequences of that calamity, however great, have a limit. I do not suppose that anybody will rise and say, "It was impossible, in consequence of the famine, that the peace of Europe should not have been maintained—that the colonies should not have been let alone as they were in 1846—that we should not have driven a flourishing foreign trade—that our agriculture should not have been as prosperous, or our finances as buoyant, as they were previously." I admit the disaster, but I deny that the evils which we are now experiencing can be traced to it. I enter my protest against any one maintaining the impossible theory that these various disasters are the necessary consequences of famine in that country. I have not heard much of late of commercial speculation—of the over-speculation of 1847—and recollecting what great changes took place in 1846—because, forsooth, the enterprise of British merchants was so restricted that they had no opening for it—recollecting all that—I am not surprised that the complaint of there being too much enterprise in the character of British merchants should have disappeared. But then great stress has been laid upon railway investment. I need not remind the House that during all that period, when we were called on from time to time to make great changes in our tariff—that during 1845 and 1846, when the country was agitated in favour of a reconstruction of our commercial system—railway investment had been been going on and for a long time—and nobody, out of all those who predicted a time of great commercial prosperity, as certain to arise from the changes in our commercial system, ever told us at the same time that we were actually pursuing a course which, inevitable as these advantages were, would, in fact, unhappily prevent them from ever occurring. On the contrary, our greatest authorities, the Ministers of the day—the authors of the change in the tariff of 1846—were the prime stimulators of the railway movement. Did they not tell us that these investments would operate to the increase of our commerce? They did, and I am now of exactly the same opinion which those great authorities held then. I do not believe that these investments have acted injuriously. I believe it happened in the case of railway investments, as it often does happen when comrades get into a scrape—they get panic-struck, and turn round and abuse each other. Yes, and the middle class of which so much is said—that middle class, who tell us they are the only people to govern the country—why, were they not the authors and originators of the very investment in question? And yet when results occur which they had not foreseen—they turn round and visit upon railway investments the evils which flow from other causes? Sir, I am of opinion that railway investment did not interfere with the course of commerce; and the result justifies that opinion, because no one can possibly pretend that it is want of capital from which commerce is now suffering. Money was never more easy. Anybody, with good security, can have what money he pleases. Mercantile bills are discounted with perfect freedom. No, Sir, it is not want of capital of which we complain. I now come to the fourth alleged cause of depression—the cause so much favoured by the Chancellor of the Exchequer—that of continental convulsions. Now, I should like to see somebody get up with data, with facts to substantiate that plea; for there is more than one reason why we should look with great suspicion on any statement of the kind. Before we allow that the diminution of our exports in 1848 was occasioned by continental convulsions, we ought to have a statement of these exports in detail laid upon the table of the House. It is indeed really lamentable that the tables of exports in detail, should only come down to the year 1846, knowing, as the Government must know, that in this great commercial country, and in these days of rapid change, hon. Gentlemen can scarcely presume to address the House upon such subjects without minute acquaintance with details. I am persuaded there would be no difficulty whatever in giving us these details at a much earlier period; and I hope the right hon. Gentleman the President of the Board of Trade, who, I am bound to say, is always ready to attend to any suggestion for the advantage of public business, will give his attention to this subject. But we have a return of the total exports of cotton goods in the year 1848—the year of "continental convulsions," which caused such a diminution in our exports. And it appears that in the year 1848, notwithstanding the "continental convulsions," there was a very large increase in the export of cotton goods. Remember that cotton goods form one-half the entirety of our exports. Yet, in the export of cotton goods there was an increase, in round numbers, of 88,000,000 yards over the preceding year.

Mr. J. WILSON made an observation, inaudible in the gallery, having reference to the exports of 1847.

Mr. DISRAELI: I will meet you on that point if you like. You must admit that the year 1847 was not a year of "continental convulsions." You may account for the exports of the year 1847 as you like—by railway speculation, which you yourselves supported, or by the stimulation of commercial enterprise; but you cannot alter the fact, that in the year 1848, when you maintain that our exports diminished upon account of "continental convulsions," as far as we can form an opinion, there was a very considerable increase in them over those of the year 1847. There is another reason why I doubt whether there has been a diminution in our exports on that account. I am indebted to the right hon. Gentleman the President of the Board of Trade for the completion of the returns which were moved for in 1847 by a Member of the House. I am indebted to his courtesy for the account of the entire exports of the years 1847 and 1848, the last returns only going down to the year 1846. From these returns I find this important fact, that the quantities of goods exported from England have not diminished. I am now speaking of the total exports. We have not yet got a return of the exports in detail to different countries; but here I hold the official return of the total exports of the united kingdom, and I find that, in contrasting this much maligned year 1848, of "continental convulsions," with the great years 1845 and 1846, there has been no diminution in the quantities of goods exported. The official value of the goods exported denotes their quantities. Mark, the average official value of the exports of 1845 and 1846 was 133,000,000*l.* The total official value of the export in the year 1848, "in consequence of the continental convulsions," was 132,904,000*l.*—nearly the same amount. But mark the significant fact—that the average declared value of the exports of 1845 and 1846 was 59,500,000*l.*, whilst in 1848 the declared value of the exports was only 53,000,000*l.* That, Sir, is a most important consequence—a consequence full of instruction; and I recommend the House, and especially the advocates of free trade in it, carefully to consider this result. What is more, I recommend them, if they can, satisfactorily to explain it. Here stands the fact, upon the records of the Government, that the people — the working-classes of this country—for the same quantity of goods they exported in 1845 and 1846, have received, in 1848, six millions and a half sterling less. Perhaps it may be said that in fixing upon the commercial year concluding at the beginning of 1846, and contrasting it with the commercial year concluding at the beginning of 1849, I am taking an advantage of the

Government, because we have later information upon the subject. We have, it may be said, the tables of the Board of Trade giving us the commerce of the country for the first four months of 1849, and they exhibit a considerable increase in our exports, or what is called "a revival of trade." I can assure the right hon. Gentleman the Chancellor of the Exchequer that that is not my intention. I merely took the two periods because they completed the year; and I was far from wishing him to lose the advantage of those subsequent tables. But I am bound to say, that in this evidence that has been offered to us of the revival of trade, and of the consequent satisfactory condition of our workmen, I find consequences exactly the reverse, and reasons to make me view the future condition of the working classes of this country with increased gloom. There are, I think, sixty-five articles of export enumerated in the tables of the Board of Trade that have recently been laid before the House. Of these articles I find that forty-one exhibit a great depreciation in price. I find that a larger quantity of goods was exported from this country in the first four months of 1849, than in the first four months of 1848, but that those goods have been exported at a much diminished price. I find that in several articles enumerated in these papers, there has been a slight appreciation. There are also fifteen articles of which the gross value alone is given, and not the quantities, and therefore, as to them, it is not calculable what may be the appreciation or the depreciation. The forty-one articles depreciated were sold to foreigners in the four first months of this year, for 13,040,261*l.* sterling; last year there would have been received for them 14,685,080*l.* sterling. In the nine articles appreciated, there is an increase in price to the amount of 44,629*l.*; and if you take the fifteen articles of which the quantities are not enumerated, and distribute the appreciation and the depreciation according to the relative quantities of the other articles, viz., six-sevenths depreciated, and one-seventh appreciated, there would be a further depreciation this year of 175,118*l.*, and an appreciation of 36,715*l.* The summary, after allowing for that operation, is, that the exports of the first four months of 1849, which we were told exhibited such satisfactory evidence, and such complete demonstration of a revival of trade, to the amount I believe of a million and a half sterling, exhibits a positive net depreciation of price to the amount of 1,738,593*l.* I will mention two or three of the great items in which this depreciation has taken place. There has been a depreciation upon the cotton goods exported this year, compared with the prices of the same goods exported in 1848, of 646,709*l.*; upon the exports of woollen goods, comparing 1849 with the exports of 1848, of 295,217*l.*; upon linens, upwards of 103,067*l.*; and upon metals, upwards of 426,014*l.* How are you to explain these facts? And what is the result upon your own labourers? The result, Sir, is, that the English labourer is now giving more labour to your foreign exports than he gave last year, at the rate of ten per cent upon those exports. How do you account for this depreciation? Will you account for it by natural causes, as you do sometimes in debate? There are those who will tell me that the raw material is much cheaper this year than it was last year. [Mr. Bright: Hear, hear!] Why, the raw material is dearer! I will take the great item upon which the most extensive depreciation has taken place—cotton—in the years 1848 and 1849. If I compare the average price of cotton in 1849, in the first four months of the year, with the average price of cotton in the year 1848, the result will tell immensely in my favour. I will not, however, take advantage of that mode of comparison. I will take the average price of the first four months in 1849, and compare it with the price of the first four months in 1848. I find, then, that in the first four months of 1848 the average price of cotton of fair quality was 4¼*d.* per lb., and that in the first four months of 1849 it was nearly 4½*d.* One farthing a pound difference in the price of cotton is no light appreciation of value. Yet, even with this increase, the English workmen have been obliged to receive for their labour 646,709*l.* less, in money, than they did for the same labour last year. This is a further detail, which I think only confirms the melancholy result which the whole exportation of the united kingdom in 1848 exhibits. Sir, it proves that which I have frequently taken occasion in this House, with their indulgence, to press upon their consideration, namely, that you have made a mistake as to the principle of profitable interchange between nations. I do not believe the depreciation is owing to "continental convulsions." I do not believe it is attributable to railway investments. I do not believe it is in consequence of commercial speculation. I do not believe it is the Irish famine that has caused this declension in the exchangeable value of the English workman's labour. It is the hostile tariffs of foreign nations which you have to encounter, which no policy of yours has yet modified, and which the system you are pursuing aggravates in their consequences. I have often, Sir, taken occasion to endeavour to explain the principles upon which I think, as a philosophic truth, the theory of reciprocity in commerce depends; but hitherto I have done that under all the disadvantages which any one, in an assembly like the present, must endure, who appeals only to abstract reasoning. But now I have practical results before me, unfortunately in the sufferings of the people of this country, and in the decline of our wealth, which illustrate that theory, and prove that those abstract principles are borne out by practical experience of the most unquestionable character. It has, indeed, been said of late that the principles upon which the reciprocity system is based, are incontrovertible as far as they go; but they only apply to a direct trade between nations; and that, inasmuch as the transactions of the world are very little carried on by a direct trade, they are of no influence in the conduct of affairs. But, Sir, in my opinion the critics who are so prompt to make this observation are little acquainted with the theory of commercial reciprocity. It is said, that if we meet with a countervailing duty the prohibitory tariff of Russia, we shall diminish our market in Brazil, for example; and that by submitting to the prohibitory tariff of Russia, our dealings in the produce of Brazil will secure abundance and cheapness. But if we go to the Brazils, British commerce there finds a hostile tariff, as well as in Russia. Sir, I do not understand the philosophy by which we can evade the consequences of a hostile tariff in one quarter of the globe, by encountering a hostile tariff in another. In my opinion, we can only encounter the hostile commercial legislation of foreign countries by countervailing duties; and I believe that a judicious application of countervailing duties occasions, not scarcity and dearness, but cheapness and abundance. Then, Sir, so far as foreign commerce is concerned, I will say that one of the principal causes of the distress of the people of England is, that you have established a new commercial system, which mistakes the principle upon which profitable exchange can take place between nations. The consequence of your having adopted those principles has been to render British labour less efficient, and of less exchangeable value; and the effect of the system must be a diminution of profits and a depression of wages. If you persist in your system, instead of ameliorating the condition of the people of this country, and increasing their resources by the foreign commerce upon which you rely, you will only secure further depression and further diminution, until you reduce our labourers, not to what is the popular idea, so often referred to, of the continental level, but beneath the continental level. The whole scope and spirit of your system is to render British labour tributary to foreign countries: that is the result of contending against hostile tariffs with free imports. I am obliged to the House for permitting me to enter into these details, necessary to substantiate the position which I wish to place before them, and upon which I have dwelt as lightly as I could. It is unnecessary for me to say, that holding these opinions —opinions, as I think, justified by stern facts—I take a gloomy view of the system of our foreign commerce. I cannot look at the exports of the country, stimulated by a system which does not increase, but diminish, the profits of our labouring classes and of our capitalists—I cannot, I say, look upon them as a source of the renovation of the country. Hitherto, in England, when our foreign commerce has been suffering, in moments of depression in our manufacturing districts, industry there has been sustained by what is popularly called "the home market." I have observed, Sir, that a little confusion subsists about this phrase. It is one of very common use; and I have heard different Gentlemen use it in this House the same night and in the same debate, and all appropriate to it a very different meaning. I have, for instance, heard the hon. Gentlemen the Member for the West Riding, in dilating upon the value of the home market, form his estimate of it on the quantity of articles of foreign import consumed by the agricultural classes. He has said, "a million of your peasants, two or three hundred thousand farmers, and a few proprietors, however great may be their consumption of articles of foreign import—what can the consumption of such limited classes be compared with the demands of the different nations of the world?" [Hear, hear!] And that has been very much cheered by all the hon. Gentleman's friends. But that is not my idea of what is called "the home market." I do not undervalue the power of consumption of the various classes which form the landed interest; but I think it is of great importance we should have correct ideas upon the subject. I will endeavour to place before the House what in my opinion constitutes the home market, and the influence it exercises upon our producers. I shall put it before the House upon a great authority—one with which hon. Gentlemen opposite will not, I think, quarrel—the authority of an eminent political economist; and, more than that, of a professor of political economy. It is that of a gentleman holding a high official situation, who, with great ability, and with a schooled intellect, has generalised upon a greater quantity of data connected with rural life than any other individual. It is the authority of one of the tithe commissioners—Professor Jones. I do not know that this question has ever been put with greater clearness and felicity than in Professor Jones's work upon *Rent.* He lays it down there as a principle, that what are called the agricultural classes, after reserving from their produce all that is necessary for their own consumption, have left to them for barter with the non-agricultural classes a sum equivalent to 100,000,000*l.* sterling. I should think that is not an exaggerated estimate, because it is much under many popular estimates that are flying about. I take, then, the estimate of Professor Jones; and Professor Jones says that, in times of what are called agricultural distress, when the farmers are scared with losses, it is a very easy, a very common, and an almost imperceptible thing, for them, by diminishing the quantity of labour employed, and by various modes of farming, to reduce the cost of production 25 per cent. And he observes that the natural consequence is, in due time, that their production is also reduced in the same rate, and that then they bring into the market to barter with the non-agricultural classes, instead of 100,000,000*l.*, only 75,000,000*l.* If that be a correct view of Professor Jones, let us see what must be the effect upon our social state from the present circumstances of the landed interest. It appears by the report of the Poor Law Commissioners, that the average price of wheat for the last ten years is something under 60*s.*—in fact it is 59*s.* 10½*d.* It appears by the last return, that the average price of wheat now in England is 44*s.* 6*d.*, being a reduction of 26 per cent. We are very well supplied, if not early enough, at least ultimately, with correct information as to our foreign trade; and we can, with due research, generally form accurate conceptions of the extent of our commerce. But we have no statistics whatever as to our home trade. We have no information as to what is going on, in homely phrase, "under our own nose;" and it is only by taking general views from these broad facts, that we have any thing to guide us. Professor Jones, then, considers that a reduction of 25 per cent in the cost of production sends only 75,000,000*l.* of produce into the market, instead of 100,000,000*l.*, to barter between the agricultural and the non-agricultural classes. I have shown you there is depression in the value of agricultural produce at this moment amounting not only to 25 per cent, but to 26 per cent. Well, what is taking place in England? Why, that diminution of the home market, of which we have heard so much, to the amount of twenty-five millions sterling per annum—a diminution equal to half the amount of your whole foreign exports, and independent of the reduction of demand among the agricultural classes for your foreign imports. It is this which has paralysed the provincial towns of the country; ay, more than that, which has filled even this great and wealthy metropolis with embarrassment and ruin. That, then, is the second great cause to which I attribute this deterioration in the condition of the people of England. This is the second great cause which has diminished the means of employment of the great mass of the labouring population at a fair rate of profitable wages. This is the second great cause that has made the ablebodied paupers of this country increase between 1846 and the present time 74 per cent. And what consolation have we for this depression in price, and for this diminution in our home market? It is not pleasing to enter into controversy upon the subject; and I am not going to offer you any arguments of my own relative to it. I will only refer you to authentic tables which I hope hon. Gentlemen opposite will admit without hesitation, and particularly hon. Gentlemen who are going to move an Amendment to my Motion. Here is a table furnished by the Poor Law Commissioners, of seven years in which the price of wheat was highest in England, and of seven years in which the price of wheat was lowest in England; and it appears by their return that more was expended in support of the poor in the seven years when wheat was lowest than in the seven years when it was highest, by upwards of 200,000*l.* Nor should it be forgotten, as the Poor Law Commissioners remark, that the sum of money expended when provisions are lowest, argues a much greater amount expended upon the poor than the sum of money expended when provisions are highest. This fact appears in page 64 of the last report of the Poor Law Commissioners—a document worthy of the greatest attention, and containing in it no table of more interest than the present. Whether it be an accidental occurrence instead of an economical law, I pretend not to discuss at this moment, though I suspect, if we entered into the discussion, the result would not be very satisfactory to hon. Gentlemen opposite. The great fact, however, remains—that, taking the seven years in which the price of wheat was highest, and the seven years in which it was lowest, a much larger sum was expended upon the poor in the latter than in the former years. [Mr. HUME: What are the years?] They will be found at page 64 of the Poor Law Commissioners' last report. The seven years in which the price of wheat was highest were the following:—1839, 1840, 1841, 1848, 1842, 1847, 1838; and the seven years in which the price was lowest were 1836, 1835, 1845, 1844, 1837, 1846, and 1843. By the indulgence of the House I will advance one step further in this sad analysis. I have shown you what effect the diminution of your foreign trade has had upon the condition of the people, and what little hope you have of increasing the profits of that trade. I have shown you what effect the decline of the home market and the withdrawal of its beneficial influence has had upon the great body of the people. I now come to a third cause of the existing distress. The Poor Law Commissioners, in the report to which I have referred, attribute the increase of pauperism in 1848 to manufacturing depression and to immigration into England from Ireland. Now, I ask the House to answer this question—why has there been immigration from Ireland into England? Has it been the consequence of the partial famine of which we have heard so much; or is it not rather the consequence of the policy which the Government have pursued in consequence of that famine? What was the policy of the Government with regard to Ireland when its almost hopeless state was placed before them? The patient was in a state of exhaustion, and the physician had recourse to a system of depletion. Instead of stimulating the industry of the country by the sanction of the State, instead of grappling with the question of emigration, for which the occasion was then singularly opportune, all that the Government did was to administer a poor-law, so ingeniously exhaustive in its character that it has succeeded almost in resolving society there into its original elements. It called upon the proprietors of Ireland to make the greatest efforts and the greatest sacrifices, when only a short time before it had deprived the land of Ireland of the surest and most extensive market for its produce. I say it was the duty of the Government, in consequence of the state of Ireland, to have encountered the question of emigration. I say so, because, as statesmen, they ought to have known it was impossible to evade the question, and that the question would arise whatever might be the opinion of the Cabinet. What has happened in Ireland? The question has arisen. But instead of a Government emigration, you have had a spontaneous emigration; instead of an emigration which, by the aid of the State, would have sent a great portion of the paupers to a land which they might have cultivated, you have had a spontaneous emigration, and only spontaneous because it was an emigration of those who left their country because they were determined to save that which they possessed. I ask you what you think of such a policy as that? Ireland, three years ago, was like a poor man struggling against entering the workhouse; Ireland is now a contented pauper. The demoralisation is complete; and the very individual who three years ago would have accepted a very little aid to have gone to Canada or Australia, now looks upon himself as a recipient for life of the Government dole. He has lost all self-reliance, which it has been the object of your legislation avowedly to create. Then, Sir, I ask you why has there been this emigration from Ireland? In my opinion it has been from the inconsistent and feeble policy of Her Majesty's Ministers. Sir, this is the third reason why the pauperism of England is increased—this is the third cause why there has been a deterioration in the state of this nation. I have now, Sir, sketched —I fear at too great a length, but at the same time with more brevity than so solemn a subject requires—the internal condition of the country, as regards its foreign trade, as regards its agricultural condition, as regards the state of Ireland. I can touch, indeed, but lightly upon this great theme; but there are many Gentlemen to follow me, who, I doubt not, will enter into details, upon a subject of such absorbing interest. But are you surprised, Sir, that when your foreign commerce is declining —when your agricultural interest is severely injured—when Ireland is so misgoverned that she is pouring her paupers into Liverpool like some wild nation that appeared at the fall of the Roman empire —are you surprised, I ask, at the consequences that have occurred? And now, Sir, let me inquire what—amid all these calamities — amid this almost universal suffering, having to support Ireland as a public pauper, with manufacturing depression and agricultural districts—what has been the conduct of the Government in the management of our finances? Did they prepare for the coming storm? They were left with a well-filled exchequer; they supported Ireland by loans, and therefore that was not a reason why the exchequer should be empty. They met Parliament only a year ago, in the midst of all these misfortunes —in the midst of all these European convulsions, of which we have heard so much —in the midst of the crash of that commercial speculation which they had stimulated —in the midst of the disasters of Ireland —in the midst of all the catalogue of evils which will occur to every one whom I am addressing, they met Parliament. And did they come with any proposition at all consistent with our depressed and embarrassed state? Upon the contrary, increased expenditure was the proposition placed before the House; and, strange to say, increased taxation was the remedy. No Gentleman can have forgotten the financial campaigns of last year—they dwell upon the memory; or if for a moment we forget them, our misfortunes make them perpetually recur. The hon. Gentleman the Member for Montrose has got a financial Amendment ready for to-night. The hon. Gentleman belongs to a school who professed to procure such increased prosperity for England three years ago. My hon. Friend is the leader of those prophets of statistical celebrity who offered their inspired computations for the future renovation of the country—the men who told us that, independently of the great profits we were to receive from the enlarged markets of the world that were to be opened to us, we were to acquire, in sheer domestic economy, at least 2,000,000*l.* a week by the repeal of the corn laws. Why, Sir, my hon. Friend ought to be ashamed of himself, to come forward with his petty savings, and his cheeseparing policy, after those visions of El Dorado in which he indulged some years ago. The Amendment is in its very language a verdict against the system of which he has been so long an upholder. How does he describe those great changes of which he was the ardent supporter—those great changes that were to accomplish such certain and such instantaneous benefit? He says that "they have a tendency"—letting the delusion drop with gentleness, and parting from his errors with that amiability always characteristic of him—he says that in his opinion they have a tendency to gradually improve our trade, commerce, and agriculture, but that although this be so, the present state of the nation demands financial reform. We are told that the most rigid economy must be maintained, and that the hon. Gentleman and his party are the only persons who can carry it into effect. We on this side of the House are taunted with not supporting them and their plans. Why, Sir, what we have seen of their schemes is not, it must be confessed, very encouraging to us to follow them. If we had observed their previous plans attended with more success, we might have received their present proposition with greater favour. But I must protest against the hon. Gentleman holding up Gentlemen upon this side of the House as the advocates of extravagant expenditure. I agreed with my late lamented friend, Lord George Bentinck, when he told the House of Commons that if they persisted in these measures, he would support a reduction in the public expenditure of twenty-five per cent. Proceed. Persist in your schemes; let those in and those out of this House decide upon proceeding with those schemes, and I shall support these reductions, not merely as a matter of duty, but as a matter of necessity. But I will not act until your schemes are consummated. You brought them forward as an experiment. As an experiment I analyse and criticise them.

You, as an experiment only, vindicate and defend them. I will not agree that they are among—to use the political slang of the day—accomplished facts. I resist them as such; and I believe—I firmly believe—that as such the great body of the people will ultimately refuse them. I shall not therefore join in your plan of retrenchment until the doom of this country is sealed, that is, until it is changed from a first-rate monarchy into a second-rate republic. Sir, I have examined the state of the nation as regards its foreign commerce, as regards its agricultural interests, as regards the state of Ireland and the effects of the policy that has been pursued by the Government towards Ireland, and as regards the conduct by the Government of the financial concerns of the country. I have shown in the last item of consideration that the surplus which they inherited from other Governments has been converted into a deficiency of a similar amount; and I need not again remind the House of Commons that that deficiency was only terminated by the interference of the House of Commons in the administration of the country. I shall now turn to another part of the subject. In former times England was wont to look with satisfaction, as a source of power and wealth, to her colonies. What, now, is the state of those colonies? What change has taken place in our colonial relations since the commencement of the year 1846? The Government, when they were scarcely warm in their seats, introduced a measure to regulate the industry of our sugar colonies. What has been the consequence of that measure? According to the very highest authority—first-rate evidence, the evidence of one of their own friends—one acquainted probably with the state of labour in those colonies better than any individual breathing—one who for forty years connected himself with the sacred cause of anti-slavery, but one who also is a strong free-trader—I mean Dr. Lushington—according to his opinion, and that not an old opinion, not a musty prejudice, but an opinion given in evidence before a Committee of this House a few days ago, and which may be found in the first report of the Slavery Commission of this year—according, I say, to the opinion of Dr. Lushington, the measure of the Government with respect to the sugar duties gave the death-blow to our colonies. What, too, is the language of Sir Charles Grey in regard to the important colony he governs, as contained in the blue book lately arrived, and just delivered to Members? He says that the planters of Jamaica have before them "a blank prospect of hopeless ruin." That, then, was the first great measure of Her Majesty's Government. What effect has it had? It has had this effect—that, according to the opinion of Dr. Lushington, it has given the greatest possible stimulus to the slave trade; and this appears before us, that the amount of slaves at this moment exported from their native country is exactly the same as it was when the slave trade was carried on uninterruptedly by all the nations of Europe. These are facts, and they show that the effect of the Government measure has been to ruin the colonies and stimulate the slave trade. Is this a policy which the people of England are prepared to sanction? Are we—are even the hon. Gentlemen opposite—prepared to sanction and support such a policy? But their whole colonial administration forms the darkest page in the history of the Government. It records alike a fatal policy and a vexatious administration. No sooner have these sugar colonies been ruined—no sooner are they left, according to Sir C. Grey, to the blank prospect of hopeless ruin—no sooner, in the words of Dr. Lushington, has their death-blow been dealt to them—and here, remember, that I am citing only the testimony of Gentlemen who support the views of Her Majesty's Government—no sooner do the colonies, under these circumstances, as the last effort of despair, commit the heinous sin of wishing to accommodate their expenditure to the amount of their resources, a doctrine admitted by the Government, generally speaking, to be the wisest course they could pursue—no sooner have the colonies shown a disposition to act in this wise spirit, than, instead of sympathising with them and encouraging them, Her Majesty's Government appear to have been actuated by only one object—that of counteracting all their efforts, and of finding out in all their suggestions matter for embroilment. Let the House recall the case of British Guiana, and indeed of every colony that has tried to reduce its expenditure to a level with its reduced means. They absolutely became the object of persecution to the Colonial Office; as if the Colonial Office had not enough already upon their hands; as if the insurrections in Canada and Ceylon were not sufficient to occupy their attention; or as if the war at the Cape did not offer sufficient scope for the expenditure of their energies. And were these trifling interests, even in a merely commercial view, with which the Government has thus tampered? I must refrain from dwelling on this subject, and yet I must remind the House, that in the article of calicoes alone—that branch of our commerce for which it appears we are bound to sacrifice everything else—the colonies have taken during the sixteen years from 1831 to 1846 315,000,000 of yards more than all the rest of the world. Sir, I have heard it alleged that we have been, by reason of the course pursued by the Government, happily free from those convulsions which have lately agitated foreign States. But I want to know whether the policy of Her Majesty's Government with respect to foreign Powers has not itself been one of the principal causes of those continental convulsions? When Her Majesty's Government acceded to power, they appeared to have adopted a system contrary to that of their predecessors. We suddenly found, Sir, Her Majesty's Government in apparent communication with the discontented party in every State—with that party which is sometimes called the Liberal party, but which mainly consists of secret societies, stimulated and organised by an emigrant nobility. What, Sir, was the consequence of this? A great convulsion occurred in Europe. I will not now stop to inquire whether that convulsion in any degree was caused by the policy of our Government. It might not be a difficult task. But all I will say is, that when the hour arrived, and the influence of England might have been exercised to appease the discontents and settle the difficulties which existed in Europe, England was left without the power of so doing, because she was recognised only as the handmaid and colleague of the discontented in every country, who, thinking they were supported by England, took every opportunity of exhibiting their violence and demonstrating their weakness. All the great Ministers of Europe—who, whatever may have been their errors, were at least the representatives of the great principle of order—were treated by our Government as if they had been personal enemies; and the Guizots, the Metternichs, the Narvaezes, and the Colettis, were passed over as if they were of no consideration in the conduct of our foreign transactions. But the most curious thing of all is, that the party with which our Government seems always to have communicated, has never produced a man capable of regulating public affairs. What, therefore, has been the consequence? Not only that the great influence which England once exercised on the Continent could no longer be wielded to preserve peace or to prevent those complications and convulsions of which we hear so much, but Her Majesty's Government appear to have failed in every object which they assumed as worthy of attainment by a Government. I will take the case of Italy as a complete illustration of the principle and the effect of their policy. Her Majesty's Government were so persuaded that the Austrians could not hold their position in Italy, that they agreed that a new Power should assume the lead in that part of the world; and the King of Sardinia was the person fixed upon. Her Majesty's Government were so satisfied that the Pope had only to indulge his reforming schemes to secure his authority, that they supported the reform policy of the Pope. Her Majesty's Government were so convinced that the King of Naples could not hold his own, that they were hunting all over Europe for another King to sit upon his throne. But what have been the results? Austria is paramount in the north of Italy, and the King of Sardinia is now little more than a humble ally of Austria. The Pope is not in Rome—but the French are. The King of Naples is King of the Two Sicilies still. And now, Sir, with what face could our Ministers come to the Courts of Austria or Naples to tender their councils and exercise the just influence of England, when those sovereigns know full well that it was entirely owing to their own conduct that they have not lost their thrones—that if the policy of our Government had been successful, they would probably have been emigrants to this country, as some other sovereigns had been before them? We have a fine illustration of how ill-informed the Government were of the real state of Europe, in their conduct as regards Spain, when they instructed the British Minister at that Court to advise the Prime Minister to resign. Here, again, what has been the result? The British Minister is no longer at the Spanish Court, but the same Prime Minister exercises authority at Madrid. Our commerce, it appears, suffers from these continental convulsions. I hear lamentations and complaints about blockades of the Elbe. But when a year ago, I called the attention of the House to this matter, and when I told the evils that must inevitably accrue to our commerce in consequence of the state of Denmark, I could not find a single Gentleman of the Manchester school to support me. On the contrary, when I called the attention of the Government to the subject, in no hostile spirit, but solely to give them an opportunity of exercising a salutary influence on the Continent, and when I said that we were bound by treaties to exercise that influence to prevent consequences which might be fatal to the peace of Europe and to the interests of our commerce, an hon. Gentleman opposite accused me of trying to stimulate a war in Europe. I hesitate not to say that if Her Majesty's Government had then acted as they ought, they might have prevented these blockades. It is difficult, indeed, to understand why they have not long before been terminated. One is almost tempted to give credit to the ludicrous stories current in the German papers as to the mode in which these negotiations are carried on: that a Member of our Government who has this department under his care, and who is a vigilant administrator of the duties of his office, writes a despatch to Berlin so decided, that the most satisfactory consequences must be immediate and inevitable; but then, they say, unfortunately, the same post—I will not say the same courier—carries a despatch from the Prussian Minister in this country, in which he says, "Don't mind the threats of the Foreign Secretary, for his Colleagues are resolved that he shall do nothing." These trifles indicate the temper in which the administration of our foreign affairs is viewed abroad; and really if the story were true, it would explain many things that are perplexing. But, Sir, if I make observations of this kind, Her Majesty's Ministers rise and say—we preserve the peace of Europe, and that is enough for you. And yet at this moment Her Majesty's Government have no influence in any part of the world except at Paris. And that is their great boast. But they have not more influence at Paris than their predecessors had. I cannot, indeed, conceive the possibility of any Government not in cordial understanding with the French Government. It is a consequence of the state of Europe, and of the relative situation of the two countries. I give, therefore, to Her Majesty's Government all credit for cherishing that good understanding with the Government of France which every other Government in this country must and will maintain. But I contend that a good understanding with the French Government, is no compensation for a bad understanding with every other country. Her Majesty's Government, besides having that good understanding with the French Government which their predecessors equally enjoyed, and which every Administration of this country must cherish, ought to be in a position to exercise the just influence of England in every country of Europe. But in what Court or country in Europe, I will ask, are the Government to be supposed now to exercise influence? Every Court in Europe knows that Her Majesty's Ministers have been the patrons and the colleagues of the promoters of disturbance in every part of the world. We have encouraged movement in every part of Europe; but the moment the insurrectionary parties acted, and in consequence of our antecedent encouragement called upon us to support them, Her Majesty's Government withdrew. They withdrew from the Sicilian revolters, and they withdrew from what is called the liberal party in Spain. They have in every instance—from what cause I pretend not to divine—taken care not to accomplish that which their words led their friends to suppose they would achieve. I have sometimes listened to those who would persuade themselves that the foreign policy of Her Majesty's Government is a bold and fortunate policy; but in my opinion it has been neither brave nor successful. It has diminished the influence of this country in foreign States to an extent that was never known before. It has never in any instance preserved our commerce from the consequences of those convulsions of which the Government are perpetually reminding us, and which they perpetually profess to deplore. Sir, I have now attempted—but more imperfectly than I could desire—to draw the attention of this House to the state of the country in all its principal relations. The canvas is so wide that it has been to me almost impossible to do more than merely sketch the chief features. But I have endeavoured, without exaggeration, and relying upon documents the accuracy of which cannot and will not be impugned, to lay before the House a fair and impartial statement of our position. I will not for one moment pretend that what I deem to be our calamitous condition is to be ascribed to any one particular cause. I am ready to admit, that in the complicated transactions of a great country like this, and in a period of time which in this rapid age of events cannot be considered a brief one, many conjunctures and casualties must occur which the prescience of no statesman could have foreseen, and some of which the power of no Minister could remedy. I am not one of those who look upon the Irish famine as a Cabinet measure. But I am bound to say—taking a general, but I believe not an incomplete, view of the whole course of the Government, and of the events which have happened within the last three years—that I do recognise one predominant cause to which I attribute the greater part of our calamities—and that is our legislation. Some three years or more ago, as it appears to me, we thought fit to change the principle upon which the economic system of this country had been previously based. Hitherto this country had been, as it were, divided into a hierarchy of industrial classes, each one of which was open to all, but in each of which every Englishman was taught to believe that he occupied a position better than the analogous position of individuals of his order in any other country in the world. For example, the British merchant was looked on as the most creditable, the wealthiest, and the most trustworthy merchant in the world; the English farmer ranked as the most skilful agriculturist—a fact proved by his obtaining a greater amount of produce from the soil than any farmer in Europe or America; while the English manufacturer was acknowledged as the most skilful and successful, without a rival in ingenuity and enterprise. So with the British sailor—the name was a proverb, and chivalry was confessed to have found a last resort in the breast of a British officer. It was the same in our learned professions. Our physicians and lawyers held higher positions than those in other countries. I have heard it stated that the superiority of these classes was obtained at the cost of the last class of the hierarchy—at the cost of the labouring population of the country. But although I have heard in this House something of the periodical sufferings of that class, as if every class had not its period of suffering—although I have heard in this House epochs referred to of great distress, as if the instances were not exceptional — I know of no great community existing since, I will say, the fall of the Roman empire, where the working population have been, upon the whole, placed in so advantageous a position as the working classes of England. I speak not of their civil rights, which are superior to those which princes enjoy in other countries—I speak simply of their material position—I say they have had a greater command over the necessaries of life than any population of equal size in any community of Europe. I maintain, that for the last sixty years their progress has borne a due relation to the progress of all other classes. More than that, for the last twenty years the spirit of our laws, and, what is more important, the spirit of our society, has been to elevate their condition. Therefore I must maintain that the position of the English working man was superior to the position of the working man of any other country. In this manner, in England society was based upon the aristocratic principle in its complete and most magnificent development. You set to work to change the basis upon which this society was established—you disdain to attempt the accomplishment of the best—and what you want to achieve is—the cheapest. But I have shown you that, considered only as an economical principle, the principle is fallacious—that its infallible consequence is to cause the impoverishment and embarrassment of the people, as proved by the dark records to which I have had occasion so much to refer. But the impoverishment of the people is not the only ill consequence which the new system may produce. The wealth of England is not merely material wealth—it does not merely consist in the number of acres we have tilled and cultivated, nor in our havens filled with shipping, nor in our unrivalled factories, nor in the intrepid industry of our mines. Not these merely form the principal wealth of our country—we have a more precious treasure—and that is the character of the people. That is what you have injured. In destroying what you call class legislation, you have destroyed that noble and indefatigable ambition which has been the best source of all our greatness, of all our prosperity, and all our power. I know of nothing more remarkable in the present day than the general discontent which prevails, accompanied as it is on all sides by an avowed inability to suggest any remedy. The feature of the present day is depression and perplexity. That English spirit which was called out and supported by your old system, seems to have departed from us. It was a system which taught men to aspire, and not to grovel. It was a system that gave strength to the subject, and stability to the State—that made the people of this country undergo adversity, and confront it with a higher courage than any other people, and that animated them, in the enjoyment of a prosperous fortune, with a higher degree of enterprise. I put it to any Gentleman —I care not to what party he belongs, what are his political opinions, or what his pursuits in life—if there be not now only one universal murmur — a murmur of suffering without hope. [Mr. ROEBUCK: Oh, oh!] Well, the hon. and learned Gentleman seems to be of a different opinion, and doubtless he will with his usual ability favour us with his consolatory views. But, as far as I can judge, men in every place—in the golden saloon, and in the busy mart of industry; in the port, and in the Exchange, by the loom, or by the plough, every man says, "I suffer, and I see no hope." I was reminded the other day when reading a passage in the works of the greatest of Roman statesmen, of the truth that the present is only the reproduction of the past. It would, perhaps, be pedantic in me to quote the passage to the House, who are well acquainted with it; but it is where Cicero tells Atticus, in the last years of that great epoch when he flourished, that a new disease had fallen upon the State; that the State is dying of a new disease; that men of all conditions joined in denouncing everything that was done; that they complained, grieved, openly lamented; that complaint was universal, but that no remedy was proposed by any one; and he says that there is a general idea that resistance, without some fatal struggle was impossible, although it were resistance against that which all disapproved; and that the only limit of concession appeared to be the death of the republic. I think the passage runs somewhat thus:—

> "Nunc quidam novo quodam morbo civitas moritur, et cum omnes ea quæ sunt acta, improbent, querantur, doleant, aperteque loquuntur et tam clare gemunt, tamen medicina nulla afferatur, neque resisti sine internecione posse arbitramur, nec finis cedendi videmus, præter exitium."

I know not what profit there may be in the study of history, what value in the sayings of wise men, or in the recorded experience of the past, if it be not to guide and instruct us in the present. The hon. and learned Member for Sheffield seemed by his observation to think that we share the lot of those who are suffering under that disease which Cicero describes as afflicting the commonwealth, and that we are not prepared to offer any remedy. He mistakes us. It is because I wish to offer a remedy that I have presumed to call upon the House of Commons to-day to exercise the highest privilege with which the constitution has invested it. It is because I wish to offer a remedy that I place in your hands, Sir, the resolution I now propose; because I believe in my conscience that it is the best and surest means to save a suffering people, and to sustain a falling country.

Motion made, and Question proposed—

> "That this House do resolve itself into a Committee of the whole House, to take into consideration the state of the Nation."

The CHANCELLOR OF THE EXCHEQUER rose and said:*—

I was in expectation that my hon. Friend the Member for Montrose would have risen to move the Amendment of which he has given notice. It is the usual course, when a Gentleman has given notice of an Amendment on such an occasion as this, that he should—as indeed the hon. Member himself did on a former Motion made by the hon. Member for Buckinghamshire—rise immediately after the original proposition has been made, and state his Amendment to the House. I hope now that my hon. Friend intends not to move his Amendment at all. I can say in perfect sincerity and fairness of purpose that I recommend him not to do so. I do not urge this course upon him because I underrate, in any degree, the importance of the subject of that Amendment, nor because I think that it would not be a proper subject for discussion. My hon. Friend, however, with the experience which he has had of the House of Commons, must, I think, be aware of the inconvenience of an Amendment being proposed upon a Motion of this description —of the confusion to which it must lead in debate, when more than one important subject is brought under discussion, at the same time—of the unsatisfactory appearance which a debate will bear in the eyes of the country when speeches follow, but are not in answer to each other—and of the misconception which may probably arise as to the result of any division upon the complicated question which his Amendment must inevitably produce. I do, therefore, sincerely trust that my hon. Friend has abandoned his intention of moving his Amendment. In that hope I shall proceed at once to address myself to the Motion and the arguments of the hon. Gentleman opposite the Member for Buckinghamshire, with the expectation that his proposal will—as I think it far more convenient that it should—be the sole object of our discussion. The hon. Gentleman need not, I am sure, have made any apology for bringing forward the Motion in this shape. He stated truly that it was a constitutional Motion, that the import of it was plain, and that the effect of its success would be certain. It is a recognised constitutional course, on the part of Gentlemen who consider the country to be in a state of distress, brought about by any course of policy recently pursued, to place before the House and the country their view of that policy, and to put in broad contrast with it that which they would themselves recommend; and neither I nor any Member of the Government, or of the House, can complain that the hon. Gentleman, as the avowed leader of a powerful party, should come forward on this occasion, describing their view of the condition of the country, and should place before the House the remedy which they have to propose.

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* From a pamphlet published by Ridgway.

The hon. Gentleman has said, that he considers the country to be in a state of great and general distress; that those with whom he communicates, be they from the marts of commerce or the fields of agriculture, "suffer and see no hope." He refers this, though somewhat vaguely, to recent legislation. If that be his belief, I say not only that he is justified in making this Motion, but that he would have been utterly unjustifiable if he had not brought it forward. I do not agree with him in the view he has taken of the state of the country; I do not agree in his representation of general gloom and distress pervading every class of society; and I must say, that when he came to the conclusion of his speech, I did not see that he had offered much consolation to his suffering friends; for when I expected him to propose some remedy, he said that he had only to place in your hands, Sir, a Motion for a Committee on the state of the nation. I doubt whether the distressed manufacturers (as he represents them to be) or the suffering agriculturists will think that, without some more specific proposition, he has done much in their cause. It seems to me that we must go elsewhere to learn what is the remedy at which he points, though he shrinks from expressing it. I suspect we must go to the resolutions of another meeting—resolutions moved in another place—where the views which the hon. Gentleman has given to us to-night of the state of the country were as fully developed, but the causes to which it was attributed were rather more clearly expressed, and the hoped-for remedy was rather more clearly pointed out. I find that there, too, it was said that the greatest difficulty and distress prevailed in the country—that this distress was to be attributed to recent legislation permitting "the indiscriminate admission of foreign produce;" but the speakers there went one step further than the hon. Gentleman has gone at present—though I apprehend that if we were to go into Committee he would then propose to take that step: they proposed to return to a system of "just protection" against the competition of other countries. If that be not the meaning of the hon. Gentleman, and that be not the remedy to which he would point, a more useless display of his talent and eloquence was never made in this House. It would be utterly unworthy of his party, great and powerful as it is in numbers and character, and in the estimation of the country, if their whole effort to redeem the empire from what they consider a state of universal distress, is to be merely a display such as we have had to-night of the hon. Member's ability and eloquence, without even a proposition for any tangible result.

The hon. Gentleman has referred, though shortly, not only to the state of this country, but to our foreign relations, and to the state of the colonies. The domestic state of the country formed, indeed, the staple of his speech, and therefore I will advert but shortly to these other topics.

I do not think it necessary to say much on his observations upon foreign affairs; that subject will be more appropriately left to my noble Friend, and indeed I know not what there was in what fell from the hon. Gentleman on this subject, which calls for much reply. He spoke of what he could trace to English interference, if he were disposed to do so; but he shrank from doing it. All I shall say is, that I rejoice in that good understanding which exists between our great neighbour and ourselves, and that the undivided efforts of the Government and of my noble Friend, ever since he undertook the management of the foreign relations of the country, have been to preserve peace. No effort has been left untried on his part to promote reconciliation between contending parties on the best terms which the circumstances of the time seemed to afford a chance of; his unremitting endeavour has been in every quarter to preserve, if possible, and to restore when broken, that peace in which no country is more interested than our own, as none has, through its commerce, a greater stake in the prosperity of other nations.

The hon. Gentleman made some observations upon colonial matters, referring partly to the effects of past legislation, and partly to the conduct of the Colonial Office. I really know no colonial grievances (not referring to those personal and minor complaints which are perpetually made by individuals) which can fairly be attributed to the administration of the Colonial Office, and not to the effects of our legislation. There are complaints respecting the effect of free trade, of the abolition of slavery, of the attempt to ameliorate the condition of labourers in the West Indies; but these are matters for which successive Governments and successive Parliaments must be responsible. The hon. Gentleman says, that when the colonies found themselves in distress, and were anxious to reduce their expenditure, they were thwarted and resisted by my noble Friend at the head of the Colonial Office; but there the hon. Gentleman is mistaken. An hon. Member, whom I see opposite, moved early this year for a Committee upon certain colonies, and read to the House a list of salaries in one of them—British Guiana, which seemed preposterous in amount, and the reduction of which he represented my noble Friend as resisting, because they were upon the civil list of the colony. Will the House believe that nearly all which he mentioned were not included in the civil list, and that the reduction of every one of such salaries was in the power of the assembly? A report from the Committee is now on the table as to Guiana; it is entirely in accordance with the views expressed in this House by my hon. Friend the Under Secretary for the Colonies, and has been acted on by my noble Friend the Secretary of State. With regard to another colony—Ceylon, an inquiry is still going on, and I will not further refer to it; but even there, the expenditure has been reduced to the extent of 60,000*l.* a year. With respect to the third colony, Mauritius, a new Governor has been sent out with instructions to effect every possible reduction, and taxes to the amount of 30,000*l.* a year have been already taken off.

But, says the hon. Gentleman, what was the state of the West Indian colonies in 1846, when you came into office, and what has been the effect upon them of that system of free trade of which you are the advocates? I am willing on this point to abide by the test of experience. I am willing to abide by the test of the importations from those colonies. I am sorry that there is distress amongst the planters. I regret the suffering to which many persons in those colonies are necessarily exposed in a state of transition from protection to free trade. I think that these difficulties ought to be alleviated, if possible, by all measures short of departure from that system which I believe will ultimately be as beneficial to them as to the consumer here. I think, however, that there are symptoms of improvement already apparent in the diminished cost and the increased amount of production of sugar in the West Indian colonies. I am perfectly ready to have this question decided by reference to indisputable facts; and we have returns upon the table which show them. It is needless to prove that, taking all the British possessions, there is a considerable increase in the importation of sugar. I have had a statement made out which puts the increased importations in the most striking light, far stronger than I thought possible, knowing the complaints that have been made, and that in many instances considerable distress and difficulty do exist. I will compare the years previous to any agitation of the question of free trade, with the years subsequent to the agitation, the early period of the agitation with the later years, the two years ending in 1846, with the two years following. The House will see that the increase of importation in the latter period is remarkable. I am not now taking the entries for home consumption—they belong to the question as affecting the consumer. The best test of the production of the colonies is the importations into this country.

I will first take all the British possessions together, and compare the average annual importation from 1831 to 1840 inclusive, before the question of the alteration of the sugar duties was agitated, with the importation since. From 1831 to 1840 inclusive, the average annual importation was 211,000 tons; from 1841 to 1848 inclusive, it has been 228,000 tons. I will next take the four years 1841 to 1844, before the first alteration of the law, admitting free-labour sugar, and the four years subsequent: in the former period the average annual importation was 200,000 tons; in the latter, 251,000. I will now refer to the British West Indian possessions alone. There will be, of course, a considerable diminution in the importation from these colonies in the period since 1840. They were seriously affected by the admission of East Indian sugar which took place in 1836, as well as by subsequent measures. From 1831 to 1840 the average annual importation from the West Indies was 171,000 tons: from 1841 to 1848 inclusive, it has been 128,000. But if we compare the first four years since 1840 and the last four years, we shall find an increased import: the average importation from 1841 to 1844 being 120,000 tons; from 1845 to 1848, 137,000. To check the calculation, I have taken some of the principal colonies separately. Take Jamaica: comparing the period 1831-40 with 1841-48, the average annual importation fell from 54,000 tons to 32,000; but comparing the four years 1841-44 with the four years 1845-48, it has increased from 31,200 to 33,676 tons. Take British Guiana: there is a decrease, comparing the first periods, of 14,000 tons; but comparing the last periods, an increase of 3,000 tons. Now, this being one of the most distressed colonies—one of those whose present state of depression has been most urged upon us—let me call the hon. Member's attention to the importation in the two years 1845-6, as compared with the two subsequent years, when that measure of destruction to all our West Indian colonies, as the hon. Gentleman calls the Sugar Act of 1846, was in full operation; in 1845-6 the annual average was 23,635 tons; in 1847-8, 33,458. A similar result will be found in the case of Trinidad, Antigua, and Barbadoes, in all of which there has been an increase in the average importation of the last four years, as compared with the period from 1840 to 1844. In St. Vincent's and Tobago there is a decrease on the comparison of the same periods, but an increase on the comparison of the importations of the two last years, 1847-8, with the two preceding years, 1845-6. I will not detain the House further upon this branch of the subject, upon which the hon. Gentleman did not dwell at much length.

I come to the main topic of his speech —a subject most worthy of the attention of the House—namely, the state of this country itself. And in going into the question of the state of the country, I shall not confine myself, as the hon. Gentleman did, to the results to be obtained from an account of the state of things nearly a year and a half ago, which he cited to prove that the country is in a state of great and general distress at the present moment, and which, he says, has been progressively increasing from the time when the present Government took office. The state of distress which he states to have existed in 1847 might have been a very good reason for a Motion of this kind then; but the only conceivable justification for the Motion now must be distress existing at the present time. The hon. Gentleman compared the state of the country in the year ending Lady-day, 1847, with the year ending Lady-day, 1848, and he cited the Poor Law Commissioners' report for that year.

Mr. DISRAELI: I did not take the poor-law report for the year ending Lady-day, 1847, but 1846; I wished to contrast the present state of the country with its state at the commencement of 1846.

The CHANCELLOR of the EXCHEQUER: I have no desire to misrepresent the hon. Gentleman; I understood him to refer to two consecutive years; but it is quite immaterial to my argument to which of the former years he referred as his year of comparative prosperity. The year to which he referred for his proof of distress was certainly the year ending at Lady-day, 1848—that is, speaking generally, the year 1847. In referring to the main causes of the distress of that year, and the increased amount expended for the relief of the poor up to Lady-day, 1848, he said that it had been attributed principally to the commercial distress, partly to the Irish immigration. He did not think that these circumstances were sufficient to account for it, and he left it to be inferred, that the only possible cause for it was our recent commercial legislation. But the hon. Gentleman overlooked altogether the circumstance of the extraordinarily high price of corn in that year. It is no wonder that the labouring classes were in distress when corn was at 69*s*. I must, however, beg the attention of the House whilst I attempt to test the hon. Gentleman's principles by the views which he has now expressed, and the undisputed facts of the year which he himself has referred to. He is disposed to consider as of little value the foreign market for our produce, and to attach importance only to the home market. The hon. Gentleman, and the party of which he is the leader, would have us believe that the home market is that upon which our trade mainly depends, as well as that the prosperity of the agriculturists depends upon a high price for corn. According to these principles, there has not for some time past been a year in which the home trade ought to have been so good, manufactures so flourishing, and the labouring men so well off, as in the year ending Lady-day, 1848. If these principles be sound, the year to which he points as one of extraordinary distress, ought to have been one of unprecedented prosperity. The average price of wheat for the year 1847 was 69*s*. 9*d*. The farmers ought, therefore, to have been well off, the home market ought to have been remarkably good, and, according to the doctrine of the hon. Gentleman, our manufactures and trade, and, indeed, the whole country, ought to have been flourishing. Yet the very reverse of all this was the case, and the distress in this very year is the ground on which he rests his present Motion. It will be difficult for the hon. Gentleman to reconcile his principles and his facts. I, on the contrary, who believe that a low price of corn contributes to the comfort of the labourer, am under no such difficulty; if I were to trace the causes of the distress of 1847, I should refer to the causes already mentioned—to the commercial distress which prevailed, and to the high price of corn, which must, in no inconsiderable degree, have affected the condition of the labourer.

It is not a little remarkable, that the main ground on which the hon. Gentleman rested his proof of present distress, was the state of the country during a period which ended fifteen months ago, and I do not think that he has been very happy in his reference to that year.

I now come to what is more material, the state of the country at the present time. The hon. Gentleman says, that he has communicated with persons in all parts of the country, and that he can hear nothing but complaints of distress. I should like to learn from the hon. Gentleman whence these complaints of all-pervading distress have come. I also have been making inquiries in different parts of the country, as it was my duty to do, after the hon. Gentleman gave notice of his Motion, and I have communicated with people in almost every part of the country. I have formed my conclusions from the result of those inquiries. I do not say that the whole country, and every interest in it, are in a state of prosperity. There are some branches of trade which are suffering, and there is, in some parts of England, in the south, and the south-west especially, considerable and severe distress. But I must say that, after what we have gone through—after the difficulties caused by a time of almost unexampled depression—after four years of a failure of food in Ireland, and in the midst of that which is certainly the fact, although the hon. Gentleman is very much disposed to deny it, namely, the injurious effect upon our trade of the state of the Continent, it is not wonderful that distress should prevail to a considerable extent. The hon. Gentleman seems to think that the interruption of our continental trade is of little consequence. I will appeal on this point to persons conversant with our manufacturing and commercial towns. I do not see the hon. Member for Hull in the House, who could confirm what I say; but there is, I believe, this very day, a meeting of the people of Hull for the purpose of promoting a subscription in favour of those persons in that town and neighbourhood who have been thrown out of employment in consequence of the Danish blockade.

I will now, however, state the result of the inquiries I have made as to the actual condition of things in nearly every part of the country; and I will, in the first instance, direct the attention of the House to those facts about which there is likely to be the least dispute. I will take, first, the condition of our manufactures, reserving to a later period the state of the agricultural interest. I find, then, from those parties of whom I have inquired as to the state of the wool trade in Wiltshire, that the fine wool-mills about Trowbridge never were better employed; indeed they have not been so fully employed for some time past; that employment is abundant at Bradford as well as at Trowbridge, and the factories are now in good work. I will mention here a curious circumstance, which shows the effect on the activity of trade, which is sometimes occasioned by the introduction of new descriptions of manufacture. At Bradford an abandoned cloth factory has recently been taken by a gentleman from a distance for the purpose of establishing a manufactory of articles of clothing, &c. from Indian rubber. At Wotton-under-Edge the mills are at full work. In one silk mill machinery is represented to be standing for want of hands to work it. Two years ago, any number of hands could have been obtained. At Kidderminster and its neighbourhood all the mills are working full time, which has not been the case since the spring of 1846. At Norwich, work in manufacture (of which, during six months of last year, there was an unexampled stagnation) is now tolerably brisk. As to Birmingham and its neighbourhood, I have received information which does not represent the state of that town and the adjacent district as being very prosperous. The iron trade and the hardware trade generally, I am bound to say, have fallen off to some extent. I have already said, that some trades are in a prosperous state, and some are not; and in Birmingham there are branches of industry which are of the latter description. But even in Birmingham there is a diminution in the number of paupers in the workhouses, and in the weekly expenses for outdoor relief. I find that in Birmingham and Aston, the average number of indoor paupers in the midsummer quarter of 1848, was 1,292; and only 1,204 in the corresponding quarter of 1849. The average weekly expense for outdoor relief was, in the same quarter in 1848, 626*l.*; and in 1849, 603*l.* At Leicester, the operatives in the framework knitting manufactures have, within the last six months, obtained an advance of their wages, and their general condition has not been so favourable for several years past as at the present moment. I entirely agree with the hon. Gentleman when he says that the point to which we ought to look more than to any other, is the condition of the labouring classes of the country. They form the great body of the people; they are the parties to the promotion of whose interest the attention of Government, and the legislation of this House, ought to be principally directed; and I agree with him in thinking that their condition is the very best test of the prosperity or otherwise of the country.

In order, therefore, to assist the House in arriving at a sound conclusion as to the state of the working classes, I will take the amount expended for indoor and outdoor relief in four unions in the neighbourhood of Leicester, in the corresponding months of 1848 and 1849. The indoor paupers in the unions of Barrow-on-Soar, Hinckley, Leicester, and Loughborough, were, in the midsummer quarter of 1848, 1,157; and in the same period of 1849, 822; showing a decrease of 335. The average weekly expenditure for outdoor relief during the same period was, at Barrow, in 1848, 96*l.*; this year, 81*l.* At Hinckley, in 1848, 81*l.*; this year, 70*l.* At Leicester, in 1848, 480*l.*; this year, 262*l.*; and at Loughborough, in 1848, 86*l.*; this year, 78*l.* Now, these are facts which are beyond dispute, and not the opinions of informants, to which the hon. Gentleman seems disposed to attach but little value. If the state of our artisans and manufacturers is such as the hon. Gentleman represents it to be, is it credible that this diminution could have taken place in the expenditure in these unions both in the workhouse expenditure and on account of outdoor relief?

I now come to Nottingham, and there my information not only states facts, but states the causes of those facts, which are, though the hon. Gentleman will not allow it, to be traced to our recent legislation. I am told that—

> "The prices of bread and meat, as well as clothes, are so cheap, that for many years past the operatives have not been so well off. No mills are working short time, but are all fully employed. . . . The manufacturers of hosiery are very busy, and a large proportion of the lace manufacturers are equally so; consequently, there is abundant manufacturing employment. A strike of one branch has now continued six weeks, and is decisive of the improved condition of workmen generally. It appears to be the rule to strike for higher wages when the times improve."

The exports and imports of Nottingham, per railway, for last month, were upwards of 4,000 tons, while they were, for the similar period last year, 3,000 tons. The tonnages on the canals are also increasing. I will now come to Yorkshire. Though the hon. Gentleman did not in his speech go into detail, yet I think it is my duty to put before the House, and in detail, the information which I have received from different parts of the country, in order that there may be no mistake as to what the condition of the country really is, that people out of doors may not be deluded by anything which the hon. Gentleman has said, utterly unsupported by any facts which he has been able to bring forward of a later date than fifteen months ago. I will here, however, make one observation, in reference to the possible argument that may be derived from the amount of wages paid to the working classes at present, and that is, that in comparing the wages paid to certain classes of workmen now with what they were three or four years ago, the reduction of the hours of labour caused by the Factory Act must be taken into consideration. I will not give an opinion upon the provisions of that Act. It is not necessary that I should do so; but many of those Gentlemen who argued in favour of that measure, constantly maintained that the same amount of wages would be paid for a less amount of labour. That was a statement which I should have thought that no person of common understanding could believe, and the result has proved that the reverse is true. We cannot expect to find the same wages given for ten hours' work as for twelve; or that no higher wages were paid in the week when there were sixty-nine hours, than now, when there are only fifty-eight hours of labour. I give no opinion whether that measure was right or wrong; but I say that hon. Gentleman must not compare the weekly amount of wages paid before the passing of the Factory Act, and those paid now, without considering the consequences which have arisen from the passing of that law. The gross amount of wages paid affords, however, no bad criterion of the receipts of the working classes as a body. I will first take the accounts from Leeds. I find, by a letter from thence, that the wages paid by one house in Leeds were, in the first five months of 1847, 1,493*l.*; during the same period in 1848, 1,405*l.*; and in the same period in 1849, 2,042*l.* The number of persons to whom outdoor relief was given in the four weeks in May, at Leeds, was, in—

1847.	1848.	1849.
6,265	8,495	5,985
6,850	8,352	5,875
6,320	8,175	5,823
6,813	8,008	5,847

These figures show a diminution of the persons receiving relief of between 2,000 and 3,000—a most decisive proof of the improvement in the state of the labouring classes. The last circumstance which I shall mention in connexion with Leeds is the amount of deposits and withdrawals in the savings bank at the present time as compared with former periods. I must observe, however, that the deposits and withdrawals in savings banks cannot be considered, as yet, as quite a fair test of the actual condition of the people, because it is well known to all who are acquainted with the habits of the working classes, that in bad times they pledge their clothes and their furniture in order to maintain themselves and their families during the period of depression, and that the first application of their money, on a return of prosperity, is to recover those articles with which for a time necessity has compelled them to part. But nevertheless I have taken the deposits and withdrawals from the savings bank for a month in each of the years 1847 and 1848. The diminution of the sums withdrawn is very remarkable. From April 20 to May 20, 1847, the amount deposited was 3,121*l.* and the amount withdrawn 4,904*l.* In 1848, the sum deposited was 3,182*l.*; and the sum withdrawn was 6,878*l.* in the same period —this being the year of the Chartist outbreaks—and in 1849 the sum deposited in the corresponding month was 3,404*l.*; whilst the sum withdrawn was 3,713*l.* At Bradford, another large manufacturing town in the West Riding, the number of persons relieved in the four weeks of May, 1848, were respectively 5,258, 5,122, 5,231, 5,427. In the same period in 1849, the numbers were, 2,135, 2,120, 2,065, 2,110. The average weekly expenditure in the former period was 276*l.*; in the latter, 113*l.* At Huddersfield the wages paid at Bradley Mills in May, 1847, was 550*l.*; in May, 1848, 850*l.*; and in May, 1849, 1,300*l.* In the Huddersfield union, the males, above 16 years of age, receiving outdoor relief, were, in the four weeks of May—

	1848.	1849.
First week	807	86
Second week	114	82
Third week	136	80
Fourth week	138	78

I will now read an extract of a letter from a manufacturer in Halifax, the owner of one of the largest works in that town:—

> "The woolcombers are in full work, and in March last obtained an advance of 8 to 10 per cent on their wages. Factory wages are gradually and steadily advancing; yet, at improved rates, hands are scarce, all being fully employed in this neighbourhood. We are employing about 6,000 hands, fully as many as we have had at any previous period. The advance in wages is by no means an index to the great increase in comfort of the working classes. The low prices of provi-

> sions enable them to live much more comfortable with the same means. I consider the fall in price of commodities equal to an advance of 25 per cent in their wages, more or less."

In the Halifax savings bank, in the year ending November 20, 1847, the deposits were 15,720*l.*, the withdrawals 24,079*l.* In the year ending November 20, 1848, the deposits were 12,869*l.*, and the withdrawals 25,600*l.*, whilst in the period from November 1848, to the 16th of June, 1849, the deposits were 10,159*l.*, and the withdrawals only 8,943*l*,

I have gone into these details as to four of the large manufacturing towns in Yorkshire, with which county I am well acquainted, and I might multiply to any extent similar statements from Lancashire; but I will not detain the House with any lengthened details relative to Lancashire, as Gentlemen who know that district much better than I do are likely to address the House, and give all the information that can be desired. I may state, however, that in one district of the Bury union, four miles north of Manchester, the relieving officer is now paying 20*l.* per week less than he did a year ago, whilst at Bury itself the relieving officer is paying 50*l.* a week less than he did a year ago. A gentleman intimately acquainted with the state of Manchester, well known to many Gentlemen in this House, gives this general view of the state of their operatives. He says—

> "The operative manufacturers are fully employed, and at full wages. Cotton, which in 1847 and 1848 was used only to the extent of about 24,000 bags weekly, is now used to the extent of 32,000 bags—an increase of nearly 35 per cent. While such is the condition with respect to the demand for labour, the wages have kept up. In general terms, wages are the same as they were in 1844; and food, taken altogether, bread, beef, groceries, &c., were never in recent times, as a whole, so low. These circumstances place the mass of the industrious class in a decidedly better position, with a greater command of the necessaries and comforts of life than they enjoyed even in 1836, which was the most prosperous year they ever had in my experience."

The gentleman proceeds to allude to the pressure upon all classes which prevailed some months ago, and then goes on to say—

> "From all these harassing difficulties this middle class is now recovering—has, indeed, in an astonishing degree, actually recovered. Industry of every kind is returning to its regular channels; confidence is expanding; profits in the home trade are satisfactory, though moderate; while, in some foreign trades, the East Indian and American, they are unquestionably good."

A similar statement as to the present period being more favourable, as regards the condition of the working classes, even than 1836, has been made to me by a very large manufacturer in Lancashire; and he also refers to 1836 as the most favourable year he ever remembered before the present time:—

> "The outdoor relief in Manchester has greatly diminished. In the week ending July 3, 1847, the amount paid was 1,488*l.*; in the week ending June 17, 1848, it was 908*l.*; and in that ending June 16, 1849, it was 576*l.*"

I remember that on a former occasion great weight was attached to the diminution of crime, and the good conduct of the working classes, as an indication of comfort and prosperity; and I rejoice to learn from the report of the inspector of police at Manchester, in which there is a comparison of the offences in 1840 and 1848, that whilst in 1840 the offences against the person were 1,420, in 1848 they were 753. Offences against property with violence were, in 1840, 211; in 1843, they were 110. Offences against property, without violence, were, in 1846, 3,454; in 1848, 1,697. Miscellaneous offences were, in 1840, 7,064; in 1848, 3,430. More convincing proof than these facts of general well-doing in these districts can hardly be given.

As to Scotland, a gentleman largely engaged in trade at Dundee, speaking of the linen trade, says—

> "During the past eighteen months a very extensive and remunerative trade has been enjoyed in all departments of the linen trade; the working classes have been well employed, and wages of labour have certainly been more than an average."

I hear from Glasgow, that—

> "with one or two exceptions, and these not of large extent, all our cotton mills and power-loom factories are in full operation, and working full time. Calico printers are well employed, and there is abundance of employment in the different departments of handloom weaving. Other trades are also in a state of moderate activity, so that there is full employment for all our operatives. The rate of wages is not generally higher than it was last year, but the people are in more comfortable circumstances than they were, in consequence of the prices of both provisions and clothing being so moderate."

There is an increase in the River Trust revenue for the first five months of the two years. It was, in 1848, 21,925*l.*; in 1849, 23,266*l.* This, of course, can only arise from increased trade in the Clyde.

One circumstance is mentioned, which is, perhaps, more than any other, an indication of reviving prosperity. It is well known, that in times of commercial activity, speculations in building are usually rife. On a general reverse in trade, they are among the first to fail, if they have been carried too far, and they do not revive until the increasing wealth of the country occasions a fresh demand for houses. In Glasgow, it appears, that some sanction from the municipal authorities is required, before new buildings can be commenced; and I am informed, that

—"the number of applications to the Dean of Guild Court, for authority to execute building operations has been, up to the 21st of June, this year, 103; and, in the corresponding period of 1848, only 78."

From another source of information, I learn, that

—"all the factories, in the neighbourhood of Glasgow, are in full work at present. The persons employed are now in a better condition, generally, than they have been in for the last two years, as to the means of obtaining the necessaries of life."

Lastly, I come to the principal seat of manufacture in Ireland; and from thence, too, I hear, that

—"all the mills in the Belfast district, now working, are on full time, and the position of the manufacturing interest is generally admitted to be better than it has been for two or three years. The condition of the people employed, from the cheapness of food at the present time, is certainly more comfortable than in 1847, or in 1848, and there is work for all."

I have now, Sir, gone through all the principal seats of manufacturing industry in the three kingdoms. I have read reports from them all. I have stated facts connected with the condition of the people in all of them; and no one can deny, that those facts show an improved condition of the working classes; that they show that, in many places, the people are employed at increased and remunerative wages, and that even those who have received no increase of wages, enjoy additional comfort in consequence of the greater cheapness of the articles of food, clothing, and other things which constitute the ordinary items of consumption among the industrious classes. It is impossible not to attribute this, in a considerable degree, to the effect of that part of our recent legislation which reduced, or repealed, the duties on raw materials. It must necessarily be so; for who can say, that taking off the duty on raw material, does not contribute to its cheapness, or that its cheapness does not contribute to increase the quantities that are imported, or, lastly, that the increase of the quantities imported, does not contribute to make employment more general? I will read to the House a statement of the increased amount of importation, in different years, of certain articles constituting the principal raw materials of manufacture in this country, which has taken place to a great extent, in consequence of the cheapness which has been caused by the alteration of the law. I take the comparison between the amount imported in the year 1841, being the year before this legislation, so strongly denounced as mischievous by the hon. Gentleman, commenced; and the amount imported in the year 1846, which is the period selected by the hon. Gentleman himself, and that imported in the year 1848.

The quantities of raw materials, imported in these years, were as follows:—

ARTICLES.	1841.	1846.	1848.
Flax, cwt.	1,355,475	1,146,743	1,462,007
Hemp, cwt.	643,423	880,810	832,212
Oil, train, &c., tuns ...	23,717	17,542	21,959
" palm, cwt.	303,849	367,054	510,129
" olive, tuns	5,316	8,532	9,995
Tallow, cwt.	1,243,112	1,189,685	1,411,944
Cotton wool, cwt.	3,931,224	4,176,327	5,731,200
Sheep's wool, lb.	53,020,067	65,117,668	63,946,373
Silk, raw, lb.	3,388,662	4,390,008	4,413,360

Take, then, either of the two years, 1841, or 1846, which the hon. Gentleman has taken for his period of comparison, and compare the importation in those years with that in the year 1848, and it is obvious that there has been a very considerable increase of the importation of raw materials. Now, the argument is irresistible, that where there is an increased importation of the raw material of manufacture into any country, there must necessarily be an increased impetus given to employment. It would be absurd to contend otherwise, and it would be equally absurd to argue, that when the people are fully employed, they are not in a better condition than when they are only partially employed. To this extent, therefore, it is utterly impossible to deny, that recent legislation has contributed to the prosperity of the working classes.

The hon. Gentleman then referred to the subject of exports, and made use of one of those ingenious arguments which have been urged by others on that fertile topic, which I confess I have never been able thoroughly to understand. The hon. Gentleman admits that there has been a very considerable increase of the quantity of articles exported—the produce of British industry and of British skill; but he says, that the value of those exported articles is diminished; and he further argues, that as the working men have been employed at higher wages, and as, from the increased demand of the raw material its price must also have been higher, the clear inference is, that from the reduced price of the articles of British industry exported, the manufacturers of this country must necessarily be ruined. I will not stop to inquire into the facts, or to criticise the argument of the hon. Gentleman. I leave him to settle this point with the manufacturers; I am satisfied that, even if they give a higher price for their raw material, they certainly will not tell him that they are ruined; and that, though they pay better wages to their labourers, still, in spite of these circumstances, they look with pleasure at an increased and increasing export of their manufacturing produce, and rejoice in the conviction that they are not yet in that state of decline which the hon. Gentleman has depicted, although they may have been exporting larger quantities of goods at reduced prices. But it is a most extraordinary thing, that the hon. Gentleman, who, with his friends around him, generally tells us that they do not attach any importance to the imports of a country, but look only to its exports as a test of its prosperity, did not derive some comfort, in the midst of his gloom, from the very extraordinary increase in our exports which has taken place in the last four months. Instead of what ought to have been a consolation to him, he has only derived from this circumstance further grounds for despondency. As I believe, however, that the House and the country generally will take a very different view of the matter, I will read to the House a list of the exportations of the principal articles of British produce for the first four months of this year. I find that, even as respects agricultural produce, there has been a very considerable increase of exports on two articles of British and Irish produce—namely, butter and wool. The comparison in the following table is between the four months ending the 5th of May, 1848, and the 5th of May, 1849:—

EXPORTS OF BRITISH AND IRISH MANUFACTURES FOR THE FOUR MONTHS ENDING THE 5TH OF MAY.

ARTICLES.	1848.	1849.
Butter, cwt.	7,897	14,483
Candles, lb.	458,369	887,478
Coals, tons	886,548	930,835
Cordage, cwt.	17,863	32,128
Cotton manufac. yds.	330,006,028	417,346,084
Lace, yds.	19,930,517	35,542,263
Cotton yarn, lb.	36,180,024	40,933,700
Herrings, barrels ...	19,696	24,329
Bottles, cwt.	68,075	72,428
Leather, wrought, lb.	338,230	507,685
Linen manufac. yds.	30,845,052	33,623,128
Linen thread, lb. ...	563,538	706,545
Linen yarn, lb.	3,270,133	5,557,052
Iron, wrought, tons .	23,302	37,730
Copper, do. cwt.	4,420	5,689
Brass, cwt.	3,245	6,477
Lead, tons	1,672	4,179
Oil, gallons	888,965	1,055,941
Salt, bushels	4,406,337	6,000,829
Silk manufac. lb. ...	65,061	90,399
Silk stockings, dozen pairs	3,919	5,945
Silk, twist, lb.	61,678	82,551
Wool, lb.	996,767	3,259,218
Woollen manuf. pcs..	503,489	652,076
Woollen manuf. yds..	8,603,254	12,841,952
Woollen stockings, dozen pairs	19,020	31,200

The exports of haberdashery, which can only be entered by value, amounted, in the first four months of 1848, to 275,584*l.*, and in the first four months of 1849, to 324,466*l.* There is, in fact, hardly a single branch of English manufacture of any sort or description, the export of which, during the early part of the present year, as compared with the corresponding period of last year, has not increased in a very extraordinary degree. The hon. Gentleman has described the manufacturers to be in a state of distress, notwithstanding the increased amount of exports, on account of the diminished value of the goods exported. But what say the returns of the declared value of those exports? It may be satisfactory to the hon. Gentleman and the House to know, that the declared value of exports in the first four months of the year 1848, as compared with the first four months of the year 1849, has increased from 15,239,861*l.* for the first period, to 16,836,647*l.* for the second period; and that, taking the comparison between the first five months of 1848 and the first five months of 1849, the increase has been from 18,944,644*l.* to 21,191,937*l.* Therefore, taking the amount of the declared value of exports either for the first four, or for the first five, months of 1849, as compared with the same periods of 1848, the increase of exports has been most extraordinary, and ought to be a comfort to those who pay no regard whatever to the amount of our imports, but who consider that the whole prosperity of the country depends upon the amount of our exports.

The hon. Gentleman the Member for Buckinghamshire next adverted to the investments made in railways. Now, upon that subject I do not mean to retract a single opinion which I have, on any former occasion, expressed in this House, or elsewhere. I think that the vast amount of capital invested in railways in the year 1847 did, in a very material degree, interfere with the commercial interests of this country. But the hon. Gentleman seems to be under an extraordinary misconception upon this part of the subject—and, able as he is, he does not appear to have taken the trouble to make himself acquainted with the facts of the case. He asks, how it can be that the investments in railways, in 1846 and 1847, produced such an effect, when they did not do so in 1844 or 1845? The simple reason is, that a greater effect was produced in the years 1846 and 1847, by the investments of railways, than in previous years, because the withdrawal of 30,000,000*l.* of capital must have a greater effect upon the interests of the country than the withdrawal of 15,000,000*l.* or 16,000,000*l.* In the year 1845, the amount raised for railway purposes was 16,129,809*l.*; in the year 1846, it was 37,814,993*l.*; and in the year 1847, it was 41,025,487*l.*, being an increase of nearly 25,000,000*l.* beyond the sum raised two years before. That vast amount of capital must of course be withdrawn from other channels of profitable investment. But the hon. Gentleman is inconsistent in his observations. He has told us that there never was such an abundance of capital as at the present moment—that mercantile bills never were more readily discounted; whilst in another part of his speech, he complained that trade was in a depressed state on account of the decline of our wealth. Which of these propositions will the hon. Gentleman abide by? We really should know on which of these contradictory assertions the hon. Gentleman intends to rest his case. Is it on the falling off, or the increase of wealth? He has asserted both, and I confess that I cannot see how the same conclusion can be drawn from such opposite premises. I believe that our capital is increasing, and that the country is gradually and steadily advancing in wealth; and I think that the sum applied to the construction of railroads in the last year, affords no slight proof of what the resources of this great country are, even in times of difficulty. For in the year 1848, speaking in round numbers, there has been expended on railroads in this country no less a sum than 35,000,000*l.*; and since the beginning of this year up to the present time, there has been an additional sum of 10,000,000*l.* expended. This seems to me to be an enormous amount to have been withdrawn from other investments in such a year as the last. I am afraid, however, that the calls for railroad shares do very seriously affect many parties throughout the country. There are, I fear, very few persons in the small towns who have not suffered in consequence of their having taken part in railway speculations. I believe it will be found that there has been hardly a firm that has failed, the members of which were not involved more or less in railroad shares. When parties took shares, they probably did so with the notion that they could sell them again at any time, forgetting their future liabilities if they failed to do so. This liability to the payment of further calls now comes heavily upon the holders, and interferes with their usual course of business. My opinion is, that this liability to calls presses very severely upon shareholders of small capital; and we may judge to what an extent it must be felt, from the account of what took place with respect to the Great Northern Railway. I find, from a statement in the *Times* of the 8th of June, that it was announced at a meeting of the shareholders of that company that the number of shares in arrear was 35,076; that there were actions pending on 6,169; and security for payment had been given on 2,378; leaving 26,534 shares to be forfeited. The directors had put off the evil day as long as they could. On the average, 5*l.* per share had been paid upon the 26,534 shares; so that there must have been a loss of upwards of 100,000*l.* on the shares forfeited, to the parties who held them; yet they thought it better to sacrifice that very large sum of money than to pay up the remaining calls. It is quite impossible that such a state of things should not considerably impoverish the parties who are engaged in these transactions. My belief is, that throughout a large portion of the country towns the people are involved in these railroad concerns, and that a considerable portion of the stagnation of trade in those towns of which the hon. Gentleman complains, is owing immediately to that circumstance.

I have now given what I conceive to be a complete answer to the hon. Gentleman's observations, so far as the condition of the manufacturing districts is concerned; and I think I have shown that the working classes in those districts are not in a state of distress, but that, generally speaking, they are in a state of comparative ease, owing to the full employment which they are able to obtain, and also owing to the reduction in the price of those articles upon which their existence and their comforts mainly depend. I will now turn more in detail to this latter branch of the question.

I will not, at present, refer to the price either of corn or of meat. It is notorious that both of those necessary articles of consumption have been during the spring lower than they have been for the last three or four years; but I will reserve what I have to say respecting them till I come to the state of the agricultural districts. I will now refer to the price of groceries. In 1844, raisins were sold at 48*s.* 8*d.* per cwt.; in 1848, they were 41*s.* 3*d.* Currants, in 1844, were 46*s.* 2*d.*; in 1848, they were 39*s.* 3*d.* Rice, on the contrary, has risen to a small amount; but it is very much lower now than in the last three or four years. In 1844, it was 15*s.*; in 1845, 18*s.* 3*d.*; in 1846, 20*s.*; in 1847, 24*s.* 3*d.*; and it is now reduced to 15*s.* 7*d.* These are the wholesale prices in London.

The retail prices at Birmingham of the following articles were—*

I have obtained an account of the prices of various articles purchased at St. Thomas's Hospital in a series of years. The information afforded by it is the more valuable, as, from the circumstance of the quality of the provisions required by that institution being always precisely similar, the accuracy of the comparison of prices may be relied upon. I have abstracted from it the prices of several articles in the month of June in each year, from 1842 to the present time; they are as follows:—

Years.	Sugar, ₰ cwt.		Salt, ₰ cwt.		Rice, ₰ cwt.	
	s.	*d.*	*s.*	*d.*	*s.*	*d.*
1842 ...	78	0	5	0	33	0
1843 ...	76	0	5	0	33	0
1844 ...	74	0	4	6	32	0
1845 ...	62	0	4	0	30	0
1846 ...	64	0	3	9	33	0
1847 ...	59	0	3	6	28	0
1848 ...	54	0	3	6	17	0
1849 ...	54	0	3	6	......	

And I will now mention what is a proof of the advantage both to the consumer and to the producer at a distance, of the improved communication by railroads. The following are the prices of milk per gallon, in each of the last seven years:—

	s. d.	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*	*s. d.*
Milk...	1 0...	1 0...	1 0...	1 0...	0 9...	0 10...	0 9½

Sir J. TYRELL: How many miles from London are these things supplied?

The CHANCELLOR of the EXCHEQUER: When I tell the hon. Member for Essex, that the milk, in the year 1846 and subsequent years, has been supplied by contract from Romford, and sent by the Eastern Counties Railway, I do not think that he will have any reason to complain on the part of his constituents.

The effect of the reduction of duty upon those articles of consumption which are peculiarly necessary to the working classes is most strongly exhibited by the increased amount entered for home consumption, and that increase may be very fairly taken as evidence of the improved condition of the labouring population of this country, demonstrating as it does their ability to purchase and consume articles of necessity and comfort. I will now read a comparative statement of articles of that description, on which the duty has been re-

*Articles.	1844.		1848.		June, 1849.	
	s.	*d.*	*s.*	*d.*	*s.*	*d.*
Tea, per lb.	5	0	4	6	4	0
Sugar, raw	0	7	0	5	0	4½
Sugar, refined ...	0	9	0	6½	0	6
Coffee...............	1	8	1	6	1	4
Rice	0	3	0	3	0	2½

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* See Table (as note) following column.

duced, entered in the years 1841, 1846, and 1848:—

Articles.	1841.	1846.	1848.
Butter, cwts.	251,255	255,130	288,172
Cocoa, lb. ...	1,930,764	2,962,327	2,935,479
Coffee, lb. ...	28,421,093	36,781,391	37,106,292
Cheese, cwt.	248,335	327,385	431,401
Currants, cwt.	190,071	359,289	380,500
Pepper, lb. ...	2,750,798	3,297,431	3,189,313
Rice, cwt. ...	245,887	466,961	782,955
Molasses, cwt.	402,439	582,665	637,652

The increase is considerable in the latter year, but it is not confined to those articles on which the duty has been reduced, for the greater the cheapness of such articles enables the consumer to purchase a larger quantity of other articles also, and accordingly the importation of two articles on which the old duty remains, has also increased. The following are the quantities of Tea and Tobacco entered in the years—

	1841.	1846.	1848.
Tea, lb. ...	30,681,877	46,728,208	48,735,971
Tobacco and Snuff	22,308,385	27,001,908	27,267,407

I do not know that I need trouble the House with any remarks upon these statements. The effect of the measures which have been adopted by the Legislature in regard to the reduction of duties on the importation of foreign articles of consumption, is very evidently proved to be beneficial to the people of this country, by the increased quantities entered for home consumption.

I now come to the article of sugar, the amount of the consumption of which is one of the best tests of the condition of the people, because it is an article which is mixed up with almost everything they consume. They use it with their tea in the morning, with their pudding at dinner, and with their tea again at night. The quantity of sugar retained for home consumption, the amount of duty on Colonial sugar, and the amount of the protecting duty at the same time, have been as follows:—

Years.	Tons.	Duty on Colonial Sugar.		Protecting duty.	
		s.	d.	s.	d.
1844	206,472	25	2	40	11
1845	242,831	14	0	9	4
1846	261,012	14	0	7	0
1847	288,975	14	0	6	0
1848	308,131	13	0	5	6

showing an increase in the year 1848, as compared with the year 1844, of 101,659 tons, or 42¼ per cent in five years. And this, be it borne in mind, is owing in a considerable degree to those recent legislative measures of which the hon. Gentleman has spoken with so much censure and condemnation.

I will now take another article, respecting which great interest has been felt, but which does not enter so much into the consumption of the labouring classes. I refer to foreign brandy, the reduction of the duty on which it was thought at the time must be most injurious both to the British and the colonial producer. I will read the quantities of foreign brandy entered for home consumption, with the rate of duty, and the revenue received from it in each year from 1843:—

Years.	Gallons.	Rate of duty per gallon.	Revenue.
In 1843	1,052,260	22*s.* 10*d.*	£ 1,201,339
1844	1,037,937	22*s.* 10*d.*	1,184,798
1845	1,073,778	22*s.* 10*d.*	1,225,869
1846	1,561,629	15*s.*	1,203,920
1847	1,574,068	15*s.*	1,182,794
1848	1,632,710	15*s.*	1,233,437

The House will observe that beyond the increased quantity, the revenue derived from Foreign brandy is higher in the year 1848, than it was in 1843, notwithstanding the reduction of duty. I will now read a statement of the consumption of British and Colonial spirits, and the revenue derived from them, which will show that the increased use of brandy since 1846 has not lessened the use of Colonial and British spirits.

	Three years to 1845, inclusive.	Three years to 1848, inclusive.
Average Consumption	Gallons.	Gallons.
Colonial Spirits	2,257,147	2,999,904
British	20,865,148	22,326,957
Average yearly revenue on	£.	£.
Colonial Spirits............	1,053,427	1,230,005
British	5,274,726	5,561,815

Here again is shown not only a clear gain to the revenue, but also to the consumer.

I will now refer to another return, which I consider to be very conclusive as to the policy of those measures which I had the satisfaction of passing through this House, although they were warmly opposed, on account of the utter destruction which they were alleged to threaten to the English distiller, and more especially to the distillers in Scotland and Ireland. I will first compare the quantity of spirits distilled and brought to charge in England, Scotland, and Ireland, in the years 1848 and 1849. I find that in the year ending the 5th of April, 1848, the number of gallons of spirits distilled in England was 5,298,913 gallons, and in 1849, 5,266,432, showing a diminution of 32,481 gallons. But in Scotland, to which country the greatest injury was anticipated, I find that in 1848 the quantity distilled was 8,400,440 gallons, and in 1849, 9,792,565 gallons, showing an increase of 1,392,125 gallons. With respect to Ireland I find that the quantity distilled in 1848 was 6,518,563 gallons, and, in 1849, 8,262,013 gallons, there being an increase of 1,743,450 gallons. I will now refer to the quantities consumed. In England there has been a decrease of the quantity which paid duty for home consumption in the year ending the 5th of April, 1849, as compared with 1848, of 63,092 gallons; but this is mainly to be attributed, I believe, to the operation of the Act passed last year, which enabled Scotch and Irish distillers to warehouse their spirits in England. In the case of Scotland, there has been an increase of 198,658 gallons in the year, and in Ireland an increase of no less than 607,538 gallons, on which duty has been actually paid for consumption. I am inclined to think that the measure which I brought in last year, empowering Scotch and Irish distillers to warehouse their spirits in England, has to a certain extent diminished the amount of duty received up to the present time in this country. The quantity warehoused in England under that Act up to the 5th of April last I find to have been 803,775 gallons. By the Act passed last year, also, spirits were allowed to be exported, on drawback, from any part of the united kingdom; and since then 117,901 gallons have been so exported from the three kingdoms. There was formerly a complaint that Dutch spirits were brought over to this country and warehoused here, with a view to exportation to our colonies, and that our own distillers were denied this privilege. That complaint was removed last year, and there is now springing up an export trade of spirits from this country.

I will now very shortly advert to one or two trades which it was supposed would be utterly ruined by the competition of foreign manufactures. I will first take the trade of glove-making. This it was supposed would be absolutely destroyed by foreign competition—and I find that the other day one of the speakers at the protectionist meeting in Drury Lane Theatre, asserted that it was utterly ruined, because whilst the quantity of gloves imported in 1846 was only 2,292,907 pairs, in the year 1849 the number had increased to 3,039,941 pairs. I thought it my duty to make inquiry as to what had been the actual effect upon the glove trade of the last reduction of the duty upon that article, and I have had put into my hands a letter from a person connected with one of the largest haberdashery houses in London, who is well acquainted with the subject; and in that letter occurs the following passage:—

> "I have made particular inquiry into the matter referred to in your note of the 5th, and I am sure you will be pleased to learn that the result is in every way favourable to the views you have always entertained."

[*Ironical cheers.*] I did not intend to read the complimentary words, but, since hon. Gentlemen cheer, I will read them. The letter was not addressed to myself:—

> "The result is in every way favourable to the liberal and enlightened views you have always entertained on commercial subjects, and that so far from the idle fears of ruin, expressed by the English glove manufacturers, being realised by the last reduction of duty, I understand that this branch of manufacture was never in so flourishing a condition as at the present moment; and, notwithstanding there has been a large increase in the importation of French gloves this year, there is now a greater demand for English leather gloves than at any former period. The quality and make of our gloves have also much improved since they were put into more direct competition with the French by the last reduction of duty, so much so, that in some instances none but a practised eye could distinguish one from the other. As regards price, the English compete successfully with the French, especially in lambskin gloves; and, I believe, in this article, would do still more if the duty were taken off altogether. In kid gloves, owing to climate or some other local circumstance, the French have some advantage, but this refers chiefly to the best and highest priced articles, and probably to the pains and care devoted in making them up."

Hon. Gentlemen opposite are in the habit of maintaining that nothing but protection from foreign competition will lead either to the improvement of any branch of native industry, or to the advantage of the public. I have shown that they are quite mistaken; for here is an instance in which the effect of competition with the foreign manufacturer has been to improve the home manufacture, as well as to benefit the public. Precisely the same result has occurred from taking off the duty on foreign silk. In 1846, the silk manufactures of Europe entered for home consumption were 416,299 lbs.; in 1847, 407,307 lbs.; and, in 1848, 571,034 lbs. The same gentleman to whom I have already referred says—

> "Speaking generally of the silk trade of this country, no prejudicial effect whatever has been produced by the last reduction of duty on foreign silks (in 1849); but, on the contrary, a very beneficial one, by bringing the manufacturers of this country more closely into competition with the French, and thereby calling their skill into more active operation, by which the manufacture itself cannot fail to benefit."

I might multiply instances of a similar kind almost to any extent I pleased. [Mr. DISRAELI here made a remark across the table.] The hon. Gentleman says, I may read as many letters as I please. I must say, that I think it infinitely better to read letters from persons practically acquainted with the subject under consideration, than to make statements without the slightest attempt to support them by proof.

I have stated the principal trades which are in a prosperous state. I shall now refer—for I do not mean to disguise anything from the House—to some trades which no doubt are in a state of considerable depression. Take, for instance, the iron trade, which is at present in a depressed state; but I think the circumstances of the time are sufficient to account for it. The iron trade was raised to an extraordinary state of prosperity a few years ago by the enormous demand for iron in the construction of railways, not only in this country, but abroad. That demand, to a certain extent, has ceased; and there having been a great increase in the make of iron without a corresponding demand for it, a certain degree of temporary depression was inevitable. The make of iron has increased in a most remarkable degree. In 1840 it amounted to 1,396,400 tons; in 1843 it was 1,215,350 tons; in 1847 it was 1,999,608; and in 1848 it was 2,093,736 tons. There having been this great increase of production without a continuance of the demand—the demand having been checked by the state of this country and of the Continent—it was impossible but that a temporary depression should take place.

There is another trade which, to a certain extent, is at present depressed — I mean the glass trade. I believe, however, that this also is owing, in a great degree, to the increase in the production of glass which took place immediately after the duty was taken off in this country. The manufacturers, it appears, overshot their mark, and the demand having fallen off, partly from the check given a year and a half ago to building speculations, the result has been a state of depression. I have received a letter from a considerable glass manufacturer, who says—

> "The glass trade has been overdone; and, in a former letter, I anticipated that it would be the case, from the too great impetus given by the repeal of the duty at a period of great excitement, and the demand being curtailed from the cessation in building. The admission of foreign glass on very moderate duties is certainly not the cause."

In order to check that statement, I called for a return of the glass imported into this country, and of the quantities retained for home consumption, since the reduction of the duty, and I find that the quantity of glass retained for home consumption in the united kingdom since that time has by no means increased to such an extent as to interfere with the manufacture in this country. Of window-glass I find there was retained for home consumption in the year ending the 5th of January, 1848, 4,694 cwt.; and in 1849, 6,888 cwt. Of glass exceeding one ninth of an inch in thickness, and all silvered or polished glass, of whatever thickness, there was retained, in 1848, 99,841 square feet; and in 1849, 74,806 square feet. Of white flint glass goods (except bottles), not cut, engraved, or otherwise ornamented, there was retained in 1848, 16,399 lbs., and in 1849, 20,366 lbs. Of all flint cut glass, flint coloured glass, and fancy ornamental glass, there was, in 1848, 197,857 lbs.; and in 1849, 409,871 lbs. There is nothing in these quantities of foreign glass imported to account for depression in our home trade.

From our manufactures, I will now turn to the shipping interest. In spite of the alarm which has been raised in consequence of the threatened repeal of the navigation laws, which has now happily been carried, our shipping has increased up to the period of the latest returns. It appears that the tonnage of shipping belonging to the British empire on the 31st of December, of each year from 1845 to 1848, was as follows:—

	Ships.	Tons.
1845	31,817	3,714,061
1846	32,499	3,817,112
1847	32,998	3,952,524
1848	33,672	4,052,160

And, looking to the statement of the tonnage of British and foreign shipping entered and cleared from ports in the united kingdom in the five months to the 5th of June of each year from 1845 to 1849, exclusive of vessels in ballast, I find the following result:—

	British Vessels. Tons.	Foreign Vessels. Tons.	Total. Tons.
1845	2,268,144	857,612	3,125,756
1846	2,240,643	1,020,074	3,260,717
1847	2,581,476	1,284,354	3,865,830
1848	2,627,055	970,279	3,597,334
1849	2,954,670	1,275,667	4,230,337

I will not trespass upon the time of the House with any further details on this part of the subject. I really do not know upon what part of the question, so far as the manufactures of the country go—so far as the trade, and commerce, and shipping of the country go—I say I do not know upon what part of these questions I can add anything to what I have already said for the purpose of negativing the statement of the hon. Gentleman, that all these interests are in a general state of depression. I have stated the wages which, generally speaking, are received in various branches of industry. I have stated the power of consumption which exists in the country, the price of the articles consumed, the quantities brought into consumption, and the general state of employment among the people, and I have shown that in every one of these respects there has been an improvement. What other test I could apply to prove the condition of these various branches of industry I know not; but certainly every test which I have applied produces a decisive proof of my assertion, that so far from their being in a state of distress, they are in a state—it may be of slow, and perhaps, on that account all the more sure—but certainly of steady and progressive improvement.

I come, in the last place, to a part of the subject upon which no doubt more difference of opinion may exist; I mean the state of the agricultural interest of this country; and I regret to say that I cannot give so good an account on this as that which I have been able to give upon other branches of our industry. I must admit now, as I did on a former occasion, that in a portion of the country, at any rate, considerable distress does exist. I find that among the farmers, in many parts of the country, there exists a degree of alarm, more I think than is justified by the circumstances of the case; and great complaints have been made of the low prices both of corn and meat. As to the price of wool, I believe that, generally speaking, it is higher than it has been for some time past. [*Cries of* "No!"] I believe that it will be found to be so, and as I have already stated, the export of wool in the first four months of this year is more than three times as much as it was in the same period of last year. Now, first of all, with respect to the price of corn, I believe that wheat since the 31st of May last, has risen about 3*s.* a quarter. But I take the price up to the end of May, that is nearly up to the time when the hon. Gentleman gave the first notice of his Motion. The average price of wheat for the first five months of this year was 45*s.* 3*d.* Now this is not a price at all unexampled in this country. Even under the system of protection lower prices prevailed during the whole of the corresponding period of one year, and for nearly half the corresponding period of the next, namely, in the years 1835 and 1836. But, what have been the prices of corn during the last three years?—the prices in those years have been very different from what they are at the present moment. The average price in 1846 was 54*s.* 8*d.* per quarter; in 1847, it was 69*s.* 9*d.*; and in 1848, 50*s.* 6*d.*; the average for the three years being 58*s.* 3½*d.* per quarter. Now, if high prices of corn make the farmer prosperous, he has had high prices for a considerable time, and, so far from being ruined, he ought to be in a state of great comfort, because the low prices of which he complains have existed only for a few months. The complaints of utter ruin are not now made for the first time, in June; they were equally made in February, before the period of low prices had begun. If the statement of the farmer being at present in a state of absolute ruin, after three years of high prices, be untrue, then those who make that statement are most reprehensible; but if it be true, what an unsound state of agriculture does it indicate! How little dependence can be placed upon a system which fails on the first appearance of adverse circumstances! The sooner we take measures for improving a system which has led to such a result the better. Let me, however, refer for a moment to the years 1834, 1835, and 1836. The average price of wheat for the first five months of this year was, as I have said, 45*s.* 3*d.* Well, the average price in the three years I have just mentioned was 44*s.* 8*d.* The lowest price of wheat for any week this spring was 44*s.* 1*d.* In the corresponding period of 1835 it never was so high, and in nine weeks of 1836 it was lower. The lowest duty at any time during the spring of 1835, was 45*s.* 8*d.*, so that a considerable period of prices lower than that of this year occurred under a high protecting duty, which hon. Gentlemen opposite regard as insuring a fair price of corn. But whatever Gentlemen may think as to the causes of the low price of wheat, there is no pretence for attributing to the importation of foreign cattle the low price of stock which is as much complained of. I will take the price of meat of every kind for the last six or seven years; and if hon. Members will attend while I am reading it over, they will find several periods at which prices were quite as low as at present. I have taken the average prices in the London markets in the five months from January to May, from the year 1842 to 1849, both inclusive. The following were the prices in those periods:—

Year.	BEASTS.				SHEEP.				HOGS.	
	Inferior per stone.		3rd Class, large prime, per stone.		Inferior, per stone.		3rd Class, per stone.		per stone.	
	s.	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*	*s.*	*d.*
1842	3	4¾	4	0¼	3	6¾	4	4	4	7¼
1843	2	8¾	2	7¾	3	0¼	3	7¾	3	6½
1844	2	7½	3	3¾	2	11¾	3	8¾	3	4
1845	2	8¾	3	9	3	1½	4	0	3	5¼
1846	2	7½	3	8	3	7½	4	6	4	0¼
1847	3	3	3	11¾	3	11	4	9	4	1
1848	3	4¾	4	1½	3	11¼	4	10	4	3½
1849	2	5¾	3	5	3	1	4	0	3	6¼

Hon. Gentlemen will see that there are several years in which the prices of some of these articles were lower than in this year. I find also that in several years even farther back, the price of beef and mutton has been lower than it is now. I have here the prices of beef and mutton in St. Thomas's Hospital for various periods, from which I find that on the 6th of February, 1830, the price of beef was 2*s.* 8*d.*, and mutton 3*s.* 2*d.* per stone. On Lady-day, the same year, beef was 3*s.*, and mutton 3*s.* 6*d.*; on Lady-day, 1835, 1843, and 1844, beef was 2*s.* 8*d.* and mutton, 3*s.* 6*d.*; on Lady-day, 1849, beef was 3*s.*, and mutton 3*s.* 8*d.*; and in May last beef was 2*s.* 8*d.*, and mutton 3*s.* 4*d.* These prices, it must be observed, are for prime pieces. I do not know, therefore, upon what grounds it can be said that there is an extraordinary depression owing to the unexampled low price of meat. I am perfectly confident that there is no ground for attributing that depression to the increased importation of foreign cattle. The whole number of foreign beasts imported into this country in 1847 was 63,311; in 1848 it was 47,092; being a diminution of 16,219 beasts. The number of calves imported in 1847 was 12,406, and in 1848, 15,642, which is an increase of 3,236. The number of sheep imported in 1847 was 139,371, and in 1848, 128,093, being a considerable falling off. In the first five months of this year the importation of beasts has fallen off still more. In the first five months of 1848, the number was 13,047, and in the first five months of this year the number was only 9,694. But hon. Gentlemen will perhaps say, that it is not the importation of foreign cattle, but the importation of salted meat, which has produced this effect on the price of stock. No doubt there has been an increase in this respect, and it is fortunate for the country that it has been so. In 1846 there were imported 2,960 cwt. of bacon, and 72,656 cwt. of pork; and, in 1848, 211,121 cwt. of bacon, and 252,680 cwt. of pork. And most thankful am I that there has been such a supply, for what would the labouring classes of the country have done without it? There used to be a large importation of swine from Ireland, but that has lately fallen off to a very great extent. I will compare the most recent period for which returns are made up, with similar periods in former years. In the first quarter of 1846, the number of swine imported from Ireland was 152,841; in the first quarter of 1847 the number was 45,993; in the first quarter of 1848 the number was 52,101; and in the first quarter of 1849 the number was 27,004. Therefore there has been a falling-off between 1846 and 1849 of 125,837 head in the same quarter of the year; and the price of bacon is now higher than it has usually been for some time. The price of bacon in the Southwark market, which is a large market for the consumption of artisans and working people, was in 1845, 68*s.* to 62*s.* per cwt.; in 1846, 70*s.* to 63*s.*; in 1847, 88*s.* to 82*s.*; and this year, 81*s.* to 75*s.*, which is higher than the prices in 1845 or 1846, and therefore, even with the supply of bacon and pork from other countries, the price is higher now than it was two years ago. Although hon. Members opposite appear not to like letters and information, I shall take the liberty of reading part of a letter from a tenant farmer in Cheshire, who is also one of the principal salesmen in Liverpool market. He attributes the low prices of stock entirely to an over-supply of cattle in the markets, and not to the low prices of other provisions and the repeal of protecting duties. He says, that for several months during the period of the greatest depression, 1,000 head of stock per week, beyond the average of any former period, were brought to the Liverpool market. Before that period there had been a great scarcity of stock, and from the excessive consumption of the manufacturing districts a high price had been given for inferior descriptions. Great efforts were made by the breeders to supply this demand, and an excess came at the same time with a failure in trade and manufactures. He says, however—

> "Prices are again improving, and an advance of from 2*l.* to 3*l.* on former prices was obtained for good Scots at West Derby market early in June."

I refer to this statement because it seems to me conclusively to show that the low price of meat arises in no way whatever from the importation of cattle from foreign countries—an importation which, I am informed, has latterly been no very profitable speculation. I rather attribute it to the manufacturing distress which prevailed, and checked the consumption of butchers' meat; but as that depression is now drawing to a close, and as in consequence of better employment the means of purchase by the working classes will be improved, I am inclined to think that the prices of meat will be higher than they have been. Indeed the prices both of meat and corn are rising.

The experience of last year affords a curious proof how often the anticipations of those who profess the greatest acquaintance with a subject are sometimes disappointed. In all the discussions on the corn laws, the general expectation of those who opposed the change of system was, that when the duty on foreign corn ceased, we should be overwhelmed with corn from the Baltic and the United States. It is very remarkable that a large portion of the supply of wheat received last year came from neighbouring countries, whence nobody expected any supply. In the last eleven months there have come from Prussia only about 490,000 quarters; while from France, which is generally an importing country, we have received 480,000 quarters. From the United States we have received only 538,000 quarters, including both wheat and flour. Now, sufficient notice had been given that the ports of this country would be opened to the admission of their wheat at a duty of 1*s.* per quarter, after the 1st of February in this year, and there seems to be no reason why, if they could have afforded to send it at the price which has prevailed in this country, they should not have sent their corn here. From the last accounts as to the wheat in the United States, it appears that there is no great quantity to be brought down from the western parts of the country, nor is there any large accumulation in the principal markets of the seaboard; and the prices are rising more, it is said, from the demand for home consumption than with a view to exportation. There seems good reason for thinking, therefore, that the exportation of corn from those countries from which so much has come this year, that is, from France, Holland, and Belgium, has been determined, in a great degree, by the circumstances of the times in those countries. I rather think, that the anxiety to realise something for their produce, induced many persons in France to send corn over in small quantities at a time to the southern ports of this country; and it is well known that all the sea-ports in the south were supplied week after week during the autumn with French wheat. Neither Holland or France are usually exporting countries, and I do not think, therefore, that any inference as to the importations of future years from those countries can be drawn from what has taken place in the last eight or ten months. It seems, also, very questionable whether the countries from whence the great supplies of corn were anticipated, can send any quantity here, except at a price higher than that which has prevailed for some months in this country.

Another point which we must also consider is, how far the average prices in this country have been depressed by the state of the crops in the south of England. Everybody acquainted with that part of the country knows that the harvest of last year was of an extraordinary description. In ordinary times the harvest in the south is good and early. The southern wheat is usually superior to that in the north, because the northern harvest is generally late. Last year the case was reversed. Bad weather came early in the counties on the southern coast; and I believe I do not overstate the fact when I say that hardly anybody in that part of the country remembers so short a crop, so bad a harvest, or their corn so ill got in. There was a great deal of sprouted corn, and the grain altogether was of inferior quality. When such corn is brought into the market, the necessary effect is to depress the average price of the country. This circumstance, therefore, must be taken into account in considering the average price of corn, and also in considering the state of the western and southern counties, where a state of distress exists, which I am happy to say is unknown elsewhere. The last year's harvest in those counties has affected the condition of the farmers, and their distress of course affects that of their labourers. A friend of mine, who has a large farm in Dorsetshire, and who has also a mill on his hands, so that he is at once both farmer and miller, has sent me an account of the produce of wheat from an acre of land on his own farm in Dorsetshire in 1847 and 1848. In 1847 the yield of wheat per acre, was 7 sacks of 250 lbs., and in 1848 the yield was 5 sacks of 230 lbs., showing a difference of 2 sacks per acre, and of 20 lbs. per sack. But when the grain was ground, the difference was still greater. The produce of the sack in the first year was 212 lbs. of flour, and 38 lbs. of offal; its produce the second year was 185 lbs. of flour, and 45 lbs. of offal; the difference in the produce of the sack was, therefore, 27 lbs. The price of flour in 1848 per sack of 280 lbs. was 41*s.*; in 1849 it was only 33*s.* 6*d.* Taking, therefore, the amount realised when the flour came to market, there was a difference of 5*l.* 6*s.* 7½*d.* per acre, against the produce of the crop of 1848. If there had been no difference of prices as between the two years, there would still have been a difference of upwards of 4*l.* in the amount realised from the produce of an acre of land. I have received accounts of a similar description from other parties, and there can be no doubt but that the general character of the crop in the south of England was exceedingly bad. It was hardly dry, and how was it rendered fit for grinding after all? No inconsiderable quantity was rendered fit for the miller only by being mixed with French grain, of the introduction of which such complaints were made. It appears, therefore, that the importation of foreign grain was actually the means by which many farmers in this part of the country were enabled to turn to account their own inferior corn. It is not, however, all the wheat of the south of England which is of such inferior quality, for I have heard that this very day 64*s.* per quarter was asked, and 62*s.* was refused, for wheat in Guildford market.

I shall advert, and that shortly, to only one other cause of the distress in the southern counties, and that is, the produce of hops. The hon. Member for West Kent has been most active and unwearied in looking after the interests of his constituents, and I am afraid that it is too true that among them distress prevails to a very considerable extent. Various statements have been made to me of the causes to which their distress is to be attributed. First, I was told that it was owing to the removal of the protecting duty on foreign hops. But the foreign hops imported into this country have amounted to a very trifling quantity; and this importation, therefore, clearly could not be the cause of the distress. Then I was told that it was owing to the Currency Bill of 1819, that the duty could not be paid, in utter forgetfulness of the fact that, for a succession of years up to 1849, the duty was regularly paid under the gold standard, established in 1819. But the truth is, that for some years there have been large crops; and last year a large quantity of inferior hops was grown. For the three years ending 1845, the quantity produced was on the average 30,000,000 lbs.; for the three years ending 1848, 46,000,000, being an increase of upwards of 50 per cent. There has been no diminution in the quantity of beer brewed; hops have been cheap, and have not, so far as I can learn, been displaced by other ingredients; but gentlemen must not be surprised that the price of their produce should be diminished, when a very large quantity of an inferior description is brought into the market. These circumstances go far to account for the depression in the southern counties of England.

There remains the one question to which, as regards the agricultural as well as the manufacturing districts, our attention ought to be more especially directed, and that is, the state of the labourer. I am prepared to adopt the same test as regards the agricultural as the manufacturing labourer. With respect to the south-west of England, the labourers there are, I am sorry to say, represented to be suffering to some extent from a diminution of wages and a want of employment. But when I turn from Cornwall, Devonshire, Dorsetshire, Somersetshire—I mean the south-western counties—I do not find that the description, which is true as regards that part of the country, is applicable to the state of the labourers in other parts of England. I have made inquiry respecting different parts of the country. I will read to the House some of the communications I have received. They are from persons on whose authority I can confidently rely. In the districts adjoining to those which I have mentioned, and including Wiltshire, and either the whole or parts of the counties of Gloucester, Warwick, Worcester, Northampton, Oxford, and Stafford, I am informed that—

> "The agricultural classes, though temporarily suffering from low prices after a series of prosperous years, are better off than they were in 1833-6. The diminished price of provisions has enabled the labouring classes generally to maintain themselves without extraordinary privation."

In the eastern counties of England I am told that—

> "With regard to the general condition of the labouring classes, those who are employed are comparatively well off, owing to the low price of flour, which constitutes four-fifths of the food of the peasantry of the eastern counties."

In Suffolk, I believe that where remunerative wages are given, the labourer and his family are as well off as formerly. The account I have from Norfolk states, that—

> "At the present rate of wages the labourer is better off than he was two years ago, when the price of corn was high, and the men obtained about 2*s*. or 3*s*. more for their labour."

The next account, from the borders of Essex and Hertfordshire, states, that—

> "Cheapness of bread has enabled men to live on a very small amount of earnings. The labourers of this district are always in the best condition when the price of corn of low;" and that "where regular employment is found, the labourers of all classes are better off than formerly."

I hear from the southern parts of Essex—

> "Labourers were never better off; our wages, by the day, are 9*s*., 10*s*., and 11*s*. per week, which at the present price of every necessary of life, bring them within their reach in a manner they never before remembered, and most of them are in very constant employment in this district."

The account which I have from Nottinghamshire states—

> "The average amount of wages of agricultural labourers is 10*s*. a week, which, with the present prices of food and clothing, is preferable to 12*s*. a week with necessaries at a higher rate. Labourers prefer their present position to that of their usual wages with higher prices."

I hear from Shropshire that the labourers are certainly better off now than for some time past, as their wages continue the same, although wheat is considerably less in price; and the decreased price of this article, of course, is a benefit to them, as it lessens the cost of living. Agricultural labourers, of industrious and sober habits, are rarely at a loss for work. Even from some of the southern counties I am informed that—

> "Labourers in husbandry, in employment, may be said at this time to be better off generally than perhaps they have ever been in this country; their food and clothing being at so low a price, and their wages as yet undiminished."

I do not think hon. Members will deny that if their wages are undiminished they must be better off. If their wages are not reduced more than the price of food and clothing is diminished, they must be as well off; and I believe it is only in a few of the south-western counties that their wages are reduced more than the price of food and clothing is diminished. I believe that generally the labourers in the agricultural districts are better off than they usually have been. I fully admit that they may not be so well off where their wages are reduced beyond the point I have stated, or where they are not employed. ["Hear, hear!" *from the Opposition benches.*] Hon. Members cheer as if I had not already admitted this; I said that I would not shrink from dealing with every part of the case. I stated that in almost the whole of the country the working classes are better off than they have been for years. I have, I think, satisfactorily proved this to be true of the manufacturing labourer. I state now, that I believe the English agricultural labourer in most parts of England is better off than he has been for some time, owing to the low price of food and of articles of consumption. If labourers are not employed, they cannot be as well off as if they were employed. It requires no ingenuity to discover this.

I admit that in the south-western counties they are suffering from the distress of the farmers, which has been produced, not by the introduction of foreign corn, but by the bad harvest they had last year.

The real and important question is, will that want of employment be permanent? I believe not; and I will tell the House why I entertain that opinion. I will not believe, that of all classes—of all branches of industry—the agricultural interest alone—the farmers of our native country alone—will sit with folded arms and see their substance perish. Look what the manufacturers have done. Till the peace, they had the monopoly of the trade of the world. Their monopoly exists no longer. The trade of the world is thrown open to others. They are exposed to the competition of foreign manufacturers. Have they, nevertheless, adhered to all their former methods of production? Have they contented themselves with merely following the footsteps of their ancestors, and executing their work by means of antiquated machinery? Far from it. Look to the new machinery they have introduced; look to the capital invested year after year in improvements of every description. Ask the hon. Member for Leeds how much of the machinery wherewith his father raised his fortune remains in operation now? and he would answer—hardly a stick or a stone but would be found to have been introduced since that time. New mills have been built, new machinery introduced, new exertions made. I do not say that the weak, the slothful, and the ignorant, have not gone to the wall. Improvements in the means of production may, even, to a great extent, supersede some branches of industry. The handloom weavers have, in great measure, been supplanted by the powerloom. No doubt some classes of producers have suffered. But what has been the effect on the great body of the people—on the great body of the labouring classes? Has not their comfort been infinitely promoted by the cheapness of articles of comsumption? Have not the interests of all classes, principally the lowest, been advanced by the improvements introduced into the productive powers of the country? Are we the agriculturists alone to stand still? Is the price of food to be kept up for our benefit when we are deriving benefit from the diminished prices of clothing? Surely not; surely it shall not be that we alone are to be left behind in the race of improvement; surely it shall rather be that, like our brethren of the manufacturing interest, making the same sacrifices, and the same exertions, we shall cheapen the price of food as they have cheapened the price of clothing to the great mass of the population of the country. But if exertions are made by the gentry and the farmers of England for this purpose, as I firmly believe that they will, I believe it will be of the greatest possible benefit to the agricultural labourer by affording increased employment. There is no doubt but that an improved system of agriculture affords increased employment of labour. I have had put into my hand a pamphlet, describing the effects of what is called high farming in Scotland; and the writer, Mr. James Caird, of Baldoon, says—

> "To the labourer the increase of employment has been threefold; and, even on this small farm, the demand for extra labourers has been followed by an increase in their individual remuneration. This increase of wages, amounting to about one-fifth, with improvements in the labourers' domestic accommodation, is no doubt the natural result of increased demand for labour, and is believed to be generally a concomitant of the increasing productiveness of the soil, and in part a natural reflection of the increasing profits of the farmer. However this may be, it is demonstrable that, if all the arable land in the same parish were gradually brought into an equally high state of cultivation, the demand for labourers would be so increased as to give room for the profitable employment of double its present male adult population."

Can anything be more satisfactory than this account of the effect on the labourer, of the improved system of cultivation pursued on this farm? I do look, therefore, to improved agriculture as the means of giving increased employment and higher wages to the labourer, and I believe as firmly, that the result will ultimately be equally beneficial to the tenant and to the landlord. I am happy to say, that to a considerable extent this improvement has already commenced. I am convinced that the farmers of this country generally are not prepared to stand still, and that they will follow the example—which I am glad to see has been introduced into many parts of the country—of a far better system of cultivation. I need not say how much attention has been recently paid to the rotation of crops—to manures of various kinds—to agricultural chemistry, and, above all, to a large and improved system of draining. These improvements of various kinds have been going on for some time, and are, I believe, extending. This is the true course for the agriculturists of England to pursue, and the true mode of meeting competition from foreign corn; and it is not a little remarkable, that in proportion to the improvement of agriculture is the freedom from apprehension of the results of the importations of foreign wheat.

But let me ask the hon. Gentlemen who profess themselves so anxious to improve the condition of the labourer, what is the effect upon him of the difference in the price of corn? I will take no hypothetical case. I will take the difference in the price of corn in 1847 and during last spring. It is well known that the usual assumption is, that a family consists of five persons, and that each person consumes one quarter of corn in a year. The quarter of wheat in 1847 was 69*s.* 9*d.*; in 1849, it is 45*s.* 8*d.*, there being a difference of 24*s.* 6*d.* per quarter. The additional cost, therefore, of the food of such a family in bread alone for one year, owing to the difference of price of the two periods, would be 6*l.* 2*s.* 6*d.* If then we take the average wages of the labourer at 10*s.* a week—not an unfair average in the south and midland districts—the additional price of his bread in the year would be the produce of twelve weeks' labour. If you say that this is overstating the case, I will take the usual allowance of a 4 lb. loaf a week for every member of a family—that is the workhouse outdoor allowance—the difference of price of the quartern loaf in London, between 1847 and 1849, is 4½*d.*; and taking the same number in family, the difference would be 4*l.* 17*s.* 6*d.* in the year in the price of bread. Does not this additional cost of his bread make a material alteration in the condition of the labourer? Is it no aggravation of his circumstances so to enhance the price of the main article of his food as to require one quarter of a year more of his labour to make up the difference? It is a consideration serious enough, that by circumstances over which we can have no control, by the circumstances of the seasons, the price of bread may be enhanced to the labourer to such an extent; but are we to attempt to raise it by legislation to that extent? That difference has existed within the last two years—it may exist again. Over natural causes we have no control; but is it to be said that the country gentlemen of England will attempt for our own alleged advantage to raise the price of food, and to take from the labourer, for the additional price of his bread, twelve weeks of his labour in the year? I think it very possible that hon. Gentlemen may not have made any such calculation, but the figures are quite undeniable. Let hon. Gentlemen disprove them if they can. I should be surprised if the hon. Gentleman the Member for East Kent who cheers me, whose humanity is so well known, if I were to ask him whether he was prepared by legislation to impose that additional burden upon the labourer, would get up and say he was prepared to do so. Upon those grounds, which were put so strongly by the hon. Member for Buckinghamshire, of regard for the condition of the labourer—upon the ground of humane consideration for the condition of the working classes of this country, I put the question to the Gentlemen of England; and I hope that in their vote to-night, they will give their answer to the question.

It may be said that I have no right to use arguments of humanity in this House. Though I do not know that true policy can exist without it, yet I am equally ready to argue the question on principles of policy. If there is any meaning at all in the Motion of the hon. Gentleman, it is the restoration of "just protection," as it is called. It means this, or it means nothing. Protection means, raising by law the price of the protected article. I resist his Motion, being opposed to any return to protecting duties, being opposed to any legislation for the purpose of raising the price of corn; and I say that the opposition to any such proposal is equally defensible on the grounds of policy, as on those of humanity. I would argue the question with the country Gentlemen of England—being one of them myself—having no interest apart from them, and no wish, when I quit the office which I have now the honour to fill, but to return to country pursuits and the discharge of those duties in the local administration of the country in which country gentlemen are so well employed. I believe that these duties are nowhere so well performed by the prefects and subprefects and paid officers of other countries as by the country gentlemen of England—I believe that they discharge these duties most creditably to themselves, and beneficially to their fellow-countrymen; and not only do they deserve and obtain the esteem and regard of their neighbours, but they acquire those habits and that knowledge of business which enable them to take part in the general government of the country. I think it is most essential that in that general government they should have a large and important share. But in order to maintain such a position in the government of the country, they must possess the confidence of the great mass of their fellow-countrymen; and I ask them, can they expect to possess that confidence if the great body of the people believe that they have an interest contrary to, and opposed to, their own? Do they think the great body of the people will believe that they are the best Government for the general interests of the country if they suppose that—as I once heard a Cabinet Minister from this bench declare—in order to enable the gentlemen of England to pay their family settlements and mortgages, the price of corn must be kept up by protecting duties imposed by law? I do not know whether any attempt may be made to reimpose protecting duties. There are many persons, I know, who most sincerely hold opinions the very reverse of those which I hold myself, and therefore the attempt may in all sincerity be made; but I entertain the strongest confidence in the House of Commons and in the country that no such attempt will be successful—that any such proposal, if made, will be firmly resisted—and that the course of legislation which has been persevered in for so many years, and which has been more fully developed in the last few years, mainly tending to promote the interests of the great masses of our population, will be persevered in to the end, and that no step in a backward direction will be permitted.

Taunts were thrown out the other day against the aristocratic nature of the Government of this conntry. In one sense, the Government of this country may be called aristocratic, as it has always mainly consisted—and I hope always will consist—of men of independent character, of independent mind, and independent fortune. I am willing, in this sense, to accept the denomination of an aristocratic Government; but in the sense of a body having interests apart from the rest of the country, I believe that an imputation so unjust was never made against the Government of any country. I do not speak of the present Government, but of successive Governments. Look to the course of their legislation in commercial and financial matters, and contrast it with the course pursued by Governments of a less aristocratic character. Some time ago the right hon. Gentleman the Member for Stamford, pointed out the difference between the progressive state of our finances and those of a neighbouring country. Look to the remission of taxes since the peace. 30,000,000*l.*, exclusive of property-tax and the corn duty have been taken off—all more or less pressing on the middle and lower, rather than on the upper classes of society. Look to the uniform course of our legislation in these matters. We have removed or reduced, one after another, those taxes which pressed on the necessaries and comforts of the great body of the people. An hon. Gentleman said the other day, that unless taxes were taken off, it was not to be expected that the country would be satisfied by any statements that could be made in this House; but the hon. Gentleman forgot that even in this year 355,000*l.* of taxes have been taken off, independent of the duty on corn, by the operation of existing Acts; and if the diminution of receipt takes place on corn, which I have already anticipated, the taxpayers of this country will this year pay upwards of 1,000,000*l.* less than last year. The right hon. Gentleman the Member for Stamford, in speaking of the expenses of the French Government, said, that in 1820 they were 36,000,000*l.*, and that they had in 1848 increased to 72,000,000*l.*; that they had increased in that country as the Government had become more democratic. Since that time a statement has been made by the highest authority, showing the effect of the democratic movement in that country in the last two years. The President of the French Republic, in his recent address to the Chambers, stated that, in 1848, the public debt was increased by additional rentes, 56,501,800f.; that the increased charge caused by the revolution was 205,498,428f.; that, in spite of the new tax and loans, the deficit of that year was 72,160,000f. This statement applied to the year 1848. In 1849, the estimated deficit of the budget was 25,000,000f., but now it turned out to be 180,000,000f.; the new taxes that were proposed, were not voted; the tax upon salt was reduced two-thirds, and the tax on liquors, amounting to 100,000,000f., has been abolished from January, 1830; so that the prospects of the ensuing year are even worse than the last. I do not think that, as regards financial measures and economical administration, our aristocratic Government has much reason to fear comparison with the most democratic Government that exists in Europe. In Baden the new Government has proposed a remission of all taxes on the land, a progressive income tax, and a national pension fund for supporting all citizens incapable of work. It seems to me, that if measures were to be devised which would inevitably lead to the ruin of a country, they would be those very measures which have been proposed by the democratic Government of Baden. The representatives of German democracy have proposed a system of financial reform which I do not think will meet with much favour from the people of this country.

I have stated, that in the course of the last thirty years 30,000,000*l.* of taxes have been taken off, which more immediately affect the means of employment, or the articles of consumption of the body of the people. The landed gentry—who constitute the majority of the other House, and a large portion of this—have, within the last seven years, taken upon themselves an income tax which presses more heavily upon them than upon other classes of society; they have repealed those laws on which it is said by many that their condition and almost their existence depends. This is the conduct of a Legislature which is represented to be hostile to the great body of the people. I believe that such is not the opinion of the great body of the people of this country; but that they are convinced that, whatever the opinion of any part of this House may be, the fixed determination of the Legislature is to pursue that course of commercial and financial policy which has been so successfully pursued of late years—which the Members of the present Government have always supported before they acceded to office—which they supported when proposed by the right hon. Baronet opposite—and which they have, as far as circumstances would permit, carried on still further, in the last three years. I believe that the people of this country entertain the fullest confidence in the opinion of the majority of both Houses—that they are satisfied that the Legislature has no interest separate and different from their own; and I believe it is that identity of interest which has preserved this country in past dangers, and will preserve it through dangers to come. We have been told that we live in unsettled times. Doubts have been expressed for the safety of our institutions. I entertain no such doubts myself, because I believe that the people of this country are convinced that no class has an interest to maintain separate from that of the great body of the people; that there is no difference between the interest of the peer and of the peasant—of the Throne and of the cottage. This identity of interest is the root of that deep-seated attachment to our institutions which has preserved us from so many dangers, and which, by the blessing of Providence, will preserve us amidst the storms of revolution and bloodshed which are now desolating some of the fairest portions of the world.

Believing this feeling to be the real source of our strength and of our safety, and that it has been strengthened by the commercial policy hitherto pursued, I should deprecate any attempt to reverse our course of legislation as the worst and greatest evil that could befall this country. It appears to me that the Motion of the hon. Gentleman can have no other practical result. The great party of whom the hon. Gentleman stands forward as the leader, believe that the remedy to be applied to the distress which they say has arisen from our recent legislation, must be by a reversal of the course we have taken. Believing then, as I do, that such a course would be fatal to the best interests of the country, to that improvement in the condition of the great body of the people, for which we are all anxious, and, above all, to the stability of our institutions, I hope that the House will come to such a decision as will convince the country that we are not prepared to reverse that legislation, but to go forward upon that which I believe to be the only sound system for the benefit of all classes of the country.

MR. BAILLIE would not advise the House to place much reliance on the statements of the Chancellor of the Exchequer, if they had no better foundation than the right hon. Gentleman's assertions relative to British Guiana. He said that he (Mr. Baillie) read to the House a list of the officers of that colony, not one of whom afterwards turned out to be on the civil list. Now, it happened that he (Mr. Baillie) had read through the whole of the civil list. The right hon. Gentleman stated that the Under Secretary for the Colonies was pleased and flattered by the report of the Select Committee on British Guiana. If so, that hon. Gentleman was very easily pleased, for he drew up a set of resolutions that must have taken him a week to prepare, and which were rejected by the Committee without the formality of a discussion. But he need detain the

House no longer on the subject of British Guiana, as a Motion on the subject of that colony was about to be brought forward by the hon. Member for Montrose, when he (Mr. Baillie) pledged himself to prove much more than he had stated relative to that colony, with respect to the question before the House. One thing he thought, at least, would be admitted, that if ever such a Motion could be justified, it would be on the present occasion, for he was prepared to assert, most unhesitatingly, that there never was a period when the condition of the country more imperatively required the anxious consideration of the Legislature. He would set aside for a moment the state of Ireland, and he asked what was the condition of those great interests in this country on which the national prosperity depended? What, for example, was the condition of the agricultural interest—of the colonial interest—of the retail traders and shopkeepers in all our large towns—and, lastly, what was the condition of the great mass of the labouring population, the poorer classes of the community, those for whose benefit the free-trade measures were especially recommended to that House? Were they, or were they not, in a state of great suffering and depression? And if they were, was any one prepared to assert that the Motion of his hon. Friend was either ill-timed, unnecessary, or uncalled for? Various reasons had been assigned for that distress; but of all that could be assigned, the most preposterous certainly was that of the revolutions and changes on the continent of Europe. He could not understand how the agricultural interest, or the shipping interest, or the colonial interests of this country, could be effected by such changes. They must look to other causes, and amongst them they must not shut their eyes to the effect of their own past legislation. He was quite prepared to admit that as an individual Member of Parliament he must bear his full share of responsibility for many of those past acts of legislation to which he had given his support; and he was bound to add, that he was disappointed at the results which had ensued from them; and he feared that they had not tended to ameliorate the condition of the labouring classes, as he had anticipated that they would have done, for if the price of provisions had been reduced, so also had the wages of labour. Let it not be supposed, however, if he were disappointed at the result of those measures, that, therefore, he was prepared to deny the advantages of free trade; but unhappily in this country the people were too easily induced to rush into violent extremes, and, of late, the Ministry of this country had been far too prone to pander to the popular wishes of the hour. Who, for example, denied the advantages of railroad communication, yet, who would not express disapprobation at the way in which the railroad speculations were carried on in 1845 and 1846, not only unchecked, but absolutely encouraged by the Ministry of the day, and that, no doubt, in accordance with the popular feeling of the time? In the same way, he might be prepared to admit the advantages of free trade, and at the same time express his disapprobation of the mode in which it had been carried out by the Government, without due consideration for those interests which had grown up and been fostered by previous Acts of the Legislature. He was quite prepared to admit that the repeal of the corn laws had a great and noble object in view—that of affording relief to the labouring classes of the country, by lowering the price of food. It might have been an experiment not altogether unattended with danger; but a great good was to be gained, and it was worth the risk to be incurred; whether it should ultimately turn out to be successful remained yet to be proved; but he must admit, under any circumstances, that the authors of the measure had a great and noble end in view. But the measures which had been lately passed by the Government held out no such prospects of advantage to the people; for it could not be pretended that the repeal of the navigation laws could have been expected to make such reductions in the cost of freight as to reduce the price of those commodities which were consumed by the great mass of the labouring classes in this country. He never understood why those laws had been repealed, until he was informed by the right hon. Baronet the Member for Ripon that the real object was to place the capital on the column of free trade. What he understood it to mean was, to assert the principle of free trade at any cost and any sacrifice, because they were afraid that some reaction might take place so long as any portion of the old system remained in existence. They might depend upon it, however, that such a course would itself, in the end, assuredly produce that reaction which they so much feared. By the hasty and inconsiderate manner in which they had hitherto pursued that principle, they had already brought ruin and desolation on some of our finest colonies, and reduced thousands of people to a state of beggary and starvation, and all by that misapplication of a principle good in itself, which if it had been wisely and judiciously applied might not only have conferred a blessing upon the people of this country, but have been of advantage also to the West India proprietors themselves. Again, was any one prepared to deny the great public inconvenience which had arisen in consequence of the sudden manner in which the import duties were reduced, not only leaving this country burdened with a permanent income tax, which originally was imposed for a period of three years, but leaving, at the same time, a large deficit in the revenue, which the Chancellor of the Exchequer was unable to fill up by the application of direct taxation? The great author of this policy, who had dragged the Government at his chariot wheels, however much they might assert the contrary—he meant the hon. Member for the West Riding of Yorkshire—he at least was perfectly consistent. He knew full well that the perseverance in this system would, inevitably lead to the dissolution of our colonial empire; he knew well that the people of this country would not long endure to be heavily taxed for the purpose of maintaining large naval and military establishments for the defence of colonies which had been rendered useless and of no advantage to this country, by placing them precisely in the position of foreign countries. What advantage could Canada be henceforth to this country more than if she formed one of the States of America; and how long would the people be disposed to vote for the maintenance of an army there? Depend upon it, the time was not distant when the troops of this country would be brought back from Canada; and the hon. Member for the West Riding of Yorkshire was aware, if this system were persevered in, that it would lead to the dissolution of our colonial empire; and he frankly confessed that that was the object he meant to accomplish. He also knew well that the reduction of the import duties which he recommended must inevitably lead to the reduction of the revenue; and he said that that was the object he wished to accomplish, because, by reducing the revenue, it would compel a reduction of expenditure. So far, then, as the hon. Member for the West Riding was concerned, he was consistent, and the measures were calculated to obtain the object he had in view; but they who were prepared to preserve the colonies and maintain the colonial system—they who said that it was not possible to reduce the revenue so long as it was necessary to keep up large naval and military establishments for the defence of the colonies, and that if the import duties were reduced it would be necessary to impose additional taxation, and therefore last year they proposed to double the income tax—they were not consistent, because, whilst they pursued the course which the hon. Member for the West Riding of Yorkshire pointed out to them, they denied the inevitable results to which it led. The people of this country were sufficiently alive to the advantages they were likely to derive from the system of free trade which had been accomplished—a system which consisted of unrestricted imports, but of restricted and highly-taxed exports, and they would not consent to purchase it at the cost which was proposed to them. The people of this country would not submit to direct taxation in time of peace, and so Government was carried on with a large deficit in the Exchequer. Such a system would only end in compelling Government at last to plunder the public creditor, as they had plundered West India proprietors under the specious pretext of the benefit of the public; and he admitted that the public had derived benefit from the plunder. Although it was possible that the present Government might not enjoy the confidence of the House, yet, from the combination of parties, and their relying sometimes on one, and sometimes on another, they were able to carry whatever measures they might bring forward. Let them go on then in that course. Reduce the import duties, and add to the direct taxation of the country; double the income tax; abolish the navigation laws, and let our trade be carried on by foreign ships; these were all measures which they contemplated, and the people of England would soon be able to appreciate their values; the time was not far distant when, with ruined and deserted colonies, with broken-down finances, with the burden of the public debt pressing on the direct taxation of the country, the people would be taught by sad experience the real value of these measures, and to estimate the merits of their authors. Then the reaction which they so much feared would take place; then at last would the tardy indignation of this people be raised against the authors of these evils; they would be regarded as the most reckless and inconsiderate set of men who had ever availed themselves of the power and influence of office to pass laws injuriously affecting great and important interests, and calculated to ruin the finances and destroy the resources of a great and powerful empire.

MR. ROEBUCK: Sir, I expected from the Motion, or rather I expected to have heard from the speech, of the hon. Member for Buckinghamshire some reason for the adoption of what I think is a very extraordinary proceeding. The hon. Gentleman himself must know, and I think he led the House to believe, that the Motion he was about to make was of a somewhat extraordinary character. It is one of those constitutional means which the House possesses of taking into its own hands the business of the House, when, in consequence of various circumstances, the Government, or any other body, gets possession of power in the State, and by the exercise of that power seeks to effect the welfare and happiness of the people. I see nothing, Sir, in the existing state of the country that should warrant this extraordinary interference with the business of legislation. "Yes," says the hon. Member for Buckinghamshire, "I think there is—I will dislocate all the proceedings of the Session—I will come forward with a Motion which shall dispossess the Government;" for that is the meaning of the Motion of the hon. Member, and no other meaning can be attached to it. "I will dispossess the Government of this country, as at present existing, of the powers which it possesses, and I will appropriate them to myself," for that is the meaning which I attach to that phrase which the hon. Member has addressed to me. "I am prepared to take the Government into my own hands." Now, Sir, if the hon. Member does not mean this, he means nothing. He says, "So unwise have been your proceedings, so injudicious has been your whole system of legislation, that I come forward—I, the head of a great party"—and the hon. Gentleman will permit me, I hope, to congratulate him upon this his first appearance as the acknowledged chief of the party—"I come forward," he says, "as the head of a great party, with a proposal, for we have a proposal," which I suppose the hon. Gentleman will tell the House when you, Sir, happen to leave the chair—for, hitherto, with all the hon. Gentleman's ingenuity, he has either not been able—or not been willing would perhaps be better—to state to us what it is that he means upon the present occasion. His whole force has been confined to criticism. He has not told us—though I must say, when he concluded his observations, that I thought he was about to tell us—what his proposal was—what he had to substitute for the recommendation of the present Ministry. I was, however, doomed to disappointment; and he confined himself first to the translation of a sentence from Cicero, and then, stating it in the original Latin, leaving us—having himself stated that it would be pedantic—in total ignorance of what his whole scheme of policy might be. I suppose, Sir, that we are here to deal with the great interests of a great nation. We are not here for the exhibition of any rhetorical artifice—we are not here to deal with phases, but with things—we are not here to deal with the mere exhibition of the rhetorician's art, but with the great business of legislators who wish to govern the great interests of the country. I want to know what the hon. Member has propounded upon this occasion? I remarked that the hon. Gentleman avoided one thing most especially—he placed his whole argument upon a date, and not upon a principle. He said, "In the year 1846 the present Government came into office; and from that time to the present nothing but mischief has resulted from their conduct." Now, I ask the hon. Member how it was that the present Government came into office? why it was? and upon what principle it was? and I will ask the House to recollect it. I will shortly state what it was that brought the present Government into office, and the hon. Gentleman himself into notice. Sir, for some time a very large proportion—I will state it at once—the predominant party in the State, were headed by a right hon. Baronet whom I see opposite, and whose name I am willing to honour—I mean the right hon. Baronet the Member for Tamworth. That right hon. Gentleman was then at the head of the party which I now see opposite. At that time they were a united party. They were united in opposition to the great interests of the country, and to the enlightened rules which should regulate the Government of this country. The head of that party was the first to acknowledge that great truth which we had contributed to establish. [*A laugh.*] Oh! I can understand the laugh of ignorance. And now, Sir, that that laugh has ceased, I proceed to say that the great principle which we sought to establish was—to explain in three words—the principle of free trade. And the first to admit the value of that proposition was, I say, the most enlightened man amongst you—I mean the right hon. Gentleman the Member for Tamworth, who, being Minister at that time, adopted the great principles that had been the leading doctrines which we had adopted for many years of our lives. The right hon. Gentleman being at the head of the most powerful party that this country almost ever saw—a party united and brought into power under the most extraordinary circumstances—with no interest swaying him but the interests of this country, yielded to truth, and to truth only, for he must have felt, when he did so, that he broke through ties that had been for years the ties that made his life a happy life—that he had departed from the interests of himself, of his friends, of his own private relations; and that he had submitted himself for the interests of his country. Such, I say, was the power of truth on the mind of that right hon. Gentleman, who passed a law in accordance with his free-trade principles; and while he was doing so, lo! there rose that star which has been now for some time a brilliant luminary, because it has been supported by the peculiar position of the party opposite; and the hon. Gentleman, in opposition to the principles and the person of the right hon. Gentleman, did win himself a way, I acknowledge with great ability—so far as his art, as far as the mere exhibition of ability, served him, but no farther—did win himself a way to renown in this House. Well, the repeal of the corn laws having been passed by the right hon. Baronet, the party was split into two — [An Hon. MEMBER: Into twenty]—yes, he might say into twenty, and then it was that the present Ministry came into office. They came into office because you were divided, not because they were strong: they did not come into office on any principle, but because all your principles had gone afloat, you having been bound together against what I believe to be truth, and the most enlightened amongst you having yielded to the suggestions of reason and to the exigencies of the State. You would not believe what he believed, because you had not the evidence that he had, and having been split up and divided, you were rendered an utterly inefficient body in the State. Then the noble Lord came into office on the principle of free trade; and from that time to the present, the hon. Gentleman the Member for Buckinghamshire has been carping at the endeavours of the noble Lord to carry on the business of the Government. And what has the hon. Gentleman told us to-night? Why, that in every department of the State, at home, abroad, and in Ireland, the principles of the present Government have been opposed to what the hon. Gentleman himself believes to be right principles. I accept, Sir, his statement. And if we could believe, Sir, that a Government could be submitted to a rhetorician—if we could believe that truth should be made the subservient handmaiden of a mere artificer of words—then I should say that the hon. Gentleman might be in a position to undertake the government of the country. The hon. Gentleman, on this occasion, has not stated any thing that should induce us to depart from the principles of free trade that have been adopted as the guide and rule of our commercial legislation. He has appealed to the present condition of various classes of the community. For example, he says that the agricultural labourer, and the agricultural community, on the present occasion, are those that suffer, and are the mere victims of the law that the right hon. Gentleman repealed. Now, I deny this proposition. I say that, at the present moment, the agricultural labourer is better off than he has been in my recollection. I say that his wages have not diminished, in any part of the country, in the slightest degree. I say that from my own knowledge, without the slightest fear of contradiction. ["Oh, oh!"] I state what I know, and let those that cry "Oh, oh," attempt to answer me. In the county of Hants, the agricultural labourer receives 9*s.* a week, and he has not ceased to receive that sum since there was any alteration of the corn laws. The corn laws themselves have not, I believe, altered the price of corn in any way whatsoever, and not altering the price of corn, I ask how the labourer, who has continued to receive his 9*s.* a week, can have been injuriously affected by the free-trade policy? [*Murmurs from the Protectionist benches.*] If you object to that, I will put the matter on other ground. I ask why, on the present occasion, there should be any departure from the ordinary principles of the constitution—why the ordinary forms of the law, and the ordinary forms of the constitution, cannot answer the exigencies of the present occasion? The hon. Gentleman says, the existing circumstances of the country are such as to require us to interfere in an unusual manner with the present condition of the Ministry. I deny it, and maintain that there is nothing in the position of the hon. Gentleman himself, or of the party to which he belongs, to induce us to depart from the present arrangement of the Government to give our confidence either to him or to his party. I believe the great principles that have led to the present state of things. [*Interruption.*] I can well understand why a miserable pique should induce persons to be rude in this House, and to be guilty of conduct which they would not pursue against individuals towards whom they were not influenced by personal spite. But I wish, simply, and in a homely and humble manner, to express my opinion to the House. I hope the House will receive it in as kindly a spirit as it is delivered, and not subject me to the interruption which I fancy, Sir, does arise. [*Cries of* "Question!"] Well, I will go to the question; I wish to discuss the question of the hon. Member for Buckinghamshire. I want to know why we should take the extraordinary course which he recommends of departing from the ordinary rules that regulate the business of the Session, and interrupting the debates for the purpose of taking into consideration the state of the nation. Sir, what is the state of the nation? I assert that it is one of great hope and confidence—one which I believe the state of the world abroad teaches us to fancy and expect will be one of constant and increasing advantage to this country. I believe that the arts and manufactures of this country are, at the present moment, in a gradually improving state, and that trade and commerce are also steadily giving us stronger and stronger reason to believe that we are about to improve our condition. I say, besides this, that our great mischief in the past year has arisen from the deficient harvest, and not from the policy pursued by the Government. In opposition to the hon. Gentleman, who attributes all the evils that have arisen since the formation of the Government to the conduct of the Government, I say that very different circumstances abundantly account for them all. The famine in Ireland, the convulsions abroad, and the deficient harvest, are sufficient to account for the deficiencies of the revenue and the difficulties of our mercantile state, without requiring us to go to the principles of free trade to account for them. But I assert that at the present moment the mercantile community is in an improving condition. I speak as one having knowledge and authority in this matter. I represent a large mercantile community, daily engaged in the business of trade, and from them do I learn that in the districts of the great West Riding of Yorkshire trade is improving; and when trade is improving there, may I not say the great mercantile community of the country is improving also? But the hon. Gentleman says that the agricultural community is suffering. That, Sir, I deny. I say that if there is any class in the agricultural community suffering, it is the landlords, and the landlords alone—not the labouring population of any part of the community. But the hon. Gentleman says, "Look at Ireland!" Well, I will look at Ireland, and I say that, as far as Government is concerned, it is not a suffering community. It may be suffering from the misfortunes with which Providence has visited it, but not from any legislation of the Government; and that is all that we have to consider on the present occasion. But the hon. Gentleman says, that the Government has been the advocate of everything wild and irrational; and he attributes all the continental revolutions to the present Government. What! can it be said that the revolutions in France, in Germany, or in Italy, were the result of this country's legislation or policy? On the contrary, Sir, I believe that this country's policy has been well carried out, and that the noble Lord at the head of the Foreign Department on the present occasion has wisely considered the interests of England, and done his utmost to maintain the peace of Europe, by abstaining from any admixture of our power with any of the disputes of the continental nations. But what would have been the condition of this House and the country if the great principles of free trade had not been adopted—if the right hon. Baronet had opposed them, along with his party, and set himself obstinately against the feelings and wishes of the great body of the people? Can we believe that on the present occasion, we would have had the peace and security which we now enjoy? I believe the hon. Gentleman, too devoted to his statistics, has forgotten to take into account the great moral question that mixes itself up with this matter. In all these questions the feelings and convictions of the people must be regarded, or you endanger the peace and security of the country. And if the right hon. Gentleman had opposed himself to the feelings of the country, like France and Germany, we would have had confusion and riot and terrible distress, and all the terrible disasters that the world abroad had seen, instead of the peace and quiet and order with which we had gone through the mighty change. Like France, we should have been a country with a Government without law, and without the slightest chance or hope of quiet or of freedom; and we should have experienced all the terrible disasters of which France has been the unfortunate scene. But, I say, the right hon. Gentleman may take it to himself as a great evidence of his wisdom and sagacity, that for the last two years, when almost the whole world has been in commotion—when thrones have been toppling down, and constitutions swept from the face of the earth—and when nations and peoples have been rising against their governments, and their governments have been unable calmly to address themselves to a consideration of the wants and necessities of their subjects—we have seen England riding quietly, and safely, and happily through the storm. The history of the past year is the best monument and the best evidence of the wisdom of yielding in time to the wishes and advancing intelligence of a people; and the right hon. Baronet, by his prudential legislation, has acquired for the great people whom it was then his interest and his duty to govern, a state of peace, tranquillity, and happiness, which no other nation in Europe now enjoys.

MR. PLUMPTRE said, he quite concurred with his hon. Friend the Member for Buckinghamshire in the opinion he had expressed, that recent legislation had been most mischievous; and, also, in the wish, that the Ministerial benches should be otherwise occupied. But if the present vote was to be considered, in any measure, as a vote of want of confidence in Her Majesty's Government, he begged to say, that that vote ought to refer rather to the Government which preceded them, namely, to the Government of the right hon. Baronet the Member for Tamworth; because he believed, that if that right hon. Baronet had not taken the matter of free trade in hand, but had stood firm to the principles upon which he came into power, the system which was now in operation, and the evil effects of which were so much deplored, would never have been established. Statements had been made, in the course of this debate, which he (Mr. Plumptre) thought he was, in some measure, in a situation to contradict, especially with regard to the condition of the agricultural population. The right hon. Gentleman the Chancellor of the Exchequer had referred to the prosperity of certain manufacturing towns, and he doubted not, that, at the present moment, they might be prosperous; but the fear he entertained with reference to these towns was, that if things continued as they were now amongst the agricultural population, the manufacturing towns, too, must ultimately be involved in that ruin which he thought was fast coming upon agriculture. They were not to be surprised, however, that the manufacturing towns were prospering, when they considered, that there had previously been a suspension of demand for a certain period. This was necessarily succeeded by a fresh demand; and there had also been a call for goods in large markets, which were never before opened to our manufacturers. The hon. and learned Member for Sheffield had stated, that there was no distress amongst the agricultural population. He (Mr. Plumptre) most distinctly denied the statement, and would read a return upon the subject, which he had in his possession, and which might, almost, be regarded as official. This return had not been issued under the immediate sanction of the Poor Law Commissioners, but was in the handwriting of the governors of certain union workhouses, in the eastern division of Kent, and gave a comparative view of the state of these union workhouses at the present moment, and at a corresponding period last year. In the first union workhouse, for the twelve weeks ending the 15th of May, 1844, there were 97 ablebodied men, and 164 ablebodied women; and for the twelve weeks ending the 15th of June, in the present year, 216 ablebodied men, and 193 ablebodied women; being an increase for the latter period of 119 men, and 29 women. In the next union workhouse, for the 12 weeks of last year, there were 139 ablebodied men, and 355 ablebodied women; and, for the same period of the present year, 301 ablebodied men, and 474 ablebodied women; being an increase of 162 men, and 119 women. In the Dover union workhouse, for the 12 weeks of last year, there were 182 ablebodied men, and 380 ablebodied women; and, for the same period, in the present year, 334 ablebodied men, and 439 ablebodied women; being an increase of 152 ablebodied men, and 59 ablebodied women. He would not detain the House by reading the returns of the whole of the unions, but the sum total was this—that, for the 12 weeks of 1848, there were in those houses, 848 ablebodied men, and 2,391 ablebodied women; and, for the corresponding period in the present year, 2,101 ablebodied men, and 3,158 ablebodied women; making a difference of 1,253 men, and 767 women. Now, "facts were stubborn things," and these were facts. Another indication of the distress which existed, had come under his own observation. 17 or 18 ablebodied men, out of a population of 700 or 800—and these 17 or 18 men representing, with their wives and families, 70 or 80 individuals, had lately came to him, and asked, "What are we to do? We are without employment, and have no bread in our houses. We come to ask you, if you would advise us to go into the union workhouse? But, if we go there, we are afraid, when we come out again, that we shall lose our cottages." He (Mr. Plumptre) blamed them for coming to him in that manner, but he gave them the best advice in his power. This was a fact, however, that such a body of men was out of employ, in that small population, in the month of June last. Yet the hon. and learned Member for Sheffield told the House, there was no distress amongst the agricultural labourers. But there was still another indication of distress amongst the agricultural labouring population. Not only were the workhouses unusually filled—not only was there a great want of employment of the people in their own parishes, but they had men walking about the parishes, in search of work, who came from a distance. He had received a letter from a person of influence in the county of Kent, who was well known to the hon. Member for the western division of that county. The writer stated, that he attributed the distress at present existing among the farmers and the labourers, to the free-trade measures of that House; and although they would have that year an early and abundant crop, yet the prices were so low, that they would be in no better position. He also added, that there were a vast number of ablebodied labourers out of employment. The theory of free trade might be all very well, but to carry it out, as it had been carried out in that House, was neither wisdom nor justice; and he feared it would terminate in the ruin of the agricultural interest. The right hon. Baronet the Chancellor of the Exchequer assumed, that there had been an increase in the consumption of sugar; but when the state of the West Indian interest was considered — their fortunes broken, and their properties destroyed; and when it was considered that the admission of slave-grown sugar had given considerable encouragement to the slave trade, he thought that the right hon. Gentleman had no great reason to be satisfied with the result of his policy. He believed there was a great, deep, and pressing distress in the agricultural districts, and his conviction was, that it was owing to the free-trade measures that had been sanctioned by that House.

Mr. SLANEY said, that as it was now past twelve o'clock, he should move the adjournment of the debate.

Lord J. RUSSELL hoped, if the debate were adjourned, that hon. Members having Motions on thePaper for To-morrow would postpone them, in order to allow the present adjourned debate to come on.

Lord DUDLEY STUART would at once have acceded, so far as he was concerned, but his Motion was of very great importance to his constituents, and he could not consent to waive it. If the Government would either consent to the appointment of his Committee, or give him a night for discussion of the question, he would have no objection to allowing the adjourned debate to come on.

Lord J. RUSSELL intimated that this was an arrangement with which he really could not comply.

Mr. B. OSBORNE did not think the request made by the noble Lord the Member for Marylebone unreasonable. The noble Lord was a supporter of the Government, and it was not extraordinary that he should ask for a Government day, seeing that the hon. Gentleman the Member for Buckinghamshire had been favoured with a Government day for the purpose of bringing forward a Motion, the avowed object of which was to turn out the Government. The Motion of the noble Lord was of far more interest to the public than the flash-in-the-pan Motion which had occupied their attention that night. Since the great gun had gone off, the House might now just as well go to a division without protracting a debate on, to say the least, a ridiculous Motion.

Lord DUDLEY STUART was afraid that he could not accede to the request to postpone his Motion. The noble Lord at the head of the Government had made a present of a day to the hon. Member for Buckinghamshire; but that was no reason why Members on that (the Ministerial side) of the House should have a day taken from them. His duty to his constituents would not permit him to give way.

Mr. DISRAELI: I think the hon. Member for Middlesex has been unjustly severe on the noble Lord. I did not myself think it any favour on the part of the noble Lord to appoint a day for the discussion of the Motion of which I had given notice. I thought that the noble Lord, in that spirit I expected he would exhibit, would have accepted the glove thrown down by this side of the House; and I cannot for a moment admit that, because the noble Lord thought it right to meet this discussion, that any Gentleman sitting on the same side of the House, and not in the habit of supporting him, should, as a matter of course, introduce it in the same manner. But this I will say, that if my Committee is granted, I will grant the noble Lord the Member for Marylebone his. With respect to the attack of the hon. Member for Middlesex on my Motion, that it is a flash-in-the-pan, I confess I never knew any Motion of the kind proposed in this House which has not been met with the same accusation. Of course, when the general existing policy of the Government is challenged, they consider there is nothing practical in our propositions; but allow me to say that there never was a more political Motion than the one I have brought forward this evening. It is in the power of every Member of this House to make it more practical by voting for it. Vote for it, and you will find it is a practical question. My experience of this House sufficiently assures me that majorities of this House, organised apparently to oppose such Motions, melt away under the force of truth. ["Question, question!"] I am speaking to the question of adjournment, and to the observations which have been made. It has been said that this is a flash-in-the-pan Motion. I say it is an earnest and serious Motion. Its object is to turn out the Government. We may not succeed; but we shall succeed some day.

Debate adjourned till To-morrow.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, July 3, 1849.

Minutes.] Public Bills.—1ª Turnpike Roads (Ireland); Sewers Acts Amendment; Marriages in Foreign Countries Facilitating.

2ª Militia Ballots Suspension; Sites for Schools.

3ª Administration of Justice (Vancouver's Island).

Petitions Presented. By the Bishop of Norwich, from St. Giles in the Fields, and Farringdon Without, against Granting any New Licenses to Beer Shops.—From Marton, Sexhow, Broughton, and several other Places, against the present Mode of Assessing the Income Tax.—From Lythe, against any Alteration of the Marriage Law; also for the Adoption of Measures to define the Powers of the Committee of Privy Council on Education; and for the Extentension of the Church of England.

THE ARMY IN INDIA.

The Earl of ELLENBOROUGH rose to move for papers explanatory of the circumstances under which the Crown has granted to the Court of Directors of the East India Company, or to the army in India, property conquered from the enemy. He said he rose to make this Motion solely for the purpose of placing himself in order while he drew their Lordships' attention, and particularly that of Her Majesty's Ministers, to a matter connected with the booty taken in the late war in India, and which appeared to him immediately to affect the legal rights and the honour of the Crown, and indirectly the just expectations of the army lately serving in the Punjab, that their recent services would be considered by Her Majesty's Government, and that the booty taken in war would be granted to them in the same manner as had been formerly done to armies serving in the field at the close of successful military operations. He believed he should satisfy their Lordships that booty captured in war had been inadvertently, he was quite certain, misapplied by the Governor General of India to the use of the East India Company. When he spoke of the East India Company, he wished it to be understood that by the words "East India Company," he meant no more than the Government of India, and that that Company had no personal interest whatever in this matter—this property had been transferred to the treasury of India, and so far had increased the means of the Government of India; but it in no manner affected the private interests of any of the members of the Company or of the Court of Directors. Now, he apprehended that the law was perfectly clear on this question. When booty was taken in a conquest, where the troops of the Company alone were employed, it was left entirely at the disposal of the governing power of the Company; but in all cases where Her Majesty's troops co-operated with the troops of the Company, by the letters patent of 1758, the Crown possessed all the power over the booty taken, and, according to universal custom, that booty, with such reservations of portions of it as Her Majesty might be advised to make, had been granted to the army that had served in the operations in which it was taken. He would now read extracts from the letter of the Governor General to the Secret Committee, dated the 7th of April, on reading certain paragraphs of which his notice was first attracted to the subject, and he became at once convinced that a mistake had been committed. One of these paragraphs was to the effect, that to liquidate the debt due from the Government of Lahore, and to cover the expenses of the war, the Governor General had confiscated the property of that State to the use of the East India Company; but that he had excluded the Koh-i-nur (the great diamond which formerly belonged to the Great Mogul) from this arrangement. Now, he apprehended that confiscation implied possession or power over the object to be confiscated; and in this case the property to be confiscated was the property of the enemy. That power over it could only be obtained, and was obtained, by right of war; and when so obtained, that property, under the circumstances of Her Majesty's forces having been engaged in the operations, belonged to the Crown, and could not be legally disposed of by the Governor General of India for the use of any party whatsoever. The Koh-i-nur, as well as all the other property of the State of Lahore, taken possession of by Her Majesty's troops, belonged solely to Her Majesty by the right of war. But a paper had been recently laid on the table of the House, which he really did not know how to describe; but it would, he presumed, be referred to in justification of the course which had been taken by the Governor General. It was not a treaty, and in no respect was it a diplomatic transaction, but it was described as being "terms granted to the Maharajah of Lahore," and accepted by him, in which he was made to resign all claim to the Crown of Lahore; but the property of the State was to be confiscated for the debt and the expenses of the war to the use of the East India Company. Nothing in that paper would change the state of the right of the Crown before that paper was signed; and it was impossible for the Governor General, by any diplomatic act, to defeat the rights of the Crown before that document was drawn up. Two free parties were necessary to a contract; but the Maharajah was a prisoner at the time this was drawn up, and, therefore, was not a party capable of contracting; and while he was a prisoner the property remained in the possession of Her Majesty's officers till the termination of the war, and was not his to dispose of for the use of the East India Company, even if he were inclined. The usual course with respect to booty had been for the Court of Directors to petition Her Majesty, praying for a distribution; and the Crown had been usually advised to grant one-half of it to the East India Company; but the Crown had the power, if so advised, and in particular cases it had exercised it, of excepting any important or precious symbol of conquest from the destribution; for instance, in the case of the booty taken at Hydrabad, the battle-axe of Nadir Shah was reserved by Her Majesty in virtue of Her prerogative royal, and the rest was distributed among the troops engaged. If the Board of Control, of which the noble Marquess opposite was a member, should agree with him that this property had been inadvertently placed in hands to which it did not belong, whatever might be the opinion of the Court of Directors, it was the clear duty, as it was indisputably within the power, of the Board of Control, to insist upon the despatch to India of orders countermanding the misapplication of the property. He fully believed that the greatest of all our dangers in India was, that persons in authority, too confident of the apparent security of their position, should not treat the army with the consideration with which it had hitherto been regarded. He would caution those in power against any want of consideration to the army; but, above all, they must be just to the army if they desired to maintain it. Under any circumstances, he would have pressed this case on the attention of their Lordships, believing that the army had a just claim to redress from the Crown. But he could not dismiss from his mind the peculiar circumstances in which the army of the Punjab now stood. On every recent occasion in which great successes had attended their exertions in the field, pecuniary rewards in the shape of batta had been granted to the army. Lord Auckland gave it for the first campaign in Affghanistan. He (the Earl of Ellenborough) himself had granted it for the operations at Ghuznee and Cabul; and it was granted for the campaign in Scinde which led to the annexation of that province; and also for the campaign in Gwalior. It had not, however, been allowed for the campaign of the Sutlej, although the services of the army had been brilliant and successful; and if this booty, the subject of his present Motion, was not granted to the army, no pecuniary reward whatsoever would be received by the troops. The noble Earl concluded by repeating his Motion for the papers.

The MARQUESS of LANSDOWNE said that there could be no objection to the production of the papers to which the noble Earl had just called their attention. With regard to the distinguished services of the army in the recent successful campaign in the Punjab, he was perfectly persuaded that no disposition was felt either by the Government or by the East India Company to undervalue the services of the army, or withhold from it the rewards justly due to its distinguished exertions, and which the army had legally a right to enjoy. But as far as he could collect the nature of the objections taken by the noble Earl to the recent proceedings of the Governor General of India, the question simply turned upon this—how far the State property of Lahore, including the precious stone to which the noble Earl had particularly adverted, was to be considered as booty of war, and how far it was to be considered as State property liable to be the subject of the negotiation of treaty? Had that property and that precious stone been liable, from the mode in which it was obtained possession of, to be considered as booty of war, it would have been liable to be dealt with, and ought to have been dealt with, in the mode described by the noble Earl. But the Governor General did consider, at the termination of the war, when he was in a situation rendering it unnecessary to carry the hostilities any further, that he might negotiate and conclude a treaty with the Sovereign Prince, from whom he thought himself justified, under the circumstances in which that war had been closed, in requiring the complete cession of the property of the State of Lahore. Notwithstanding that cession, the property having been obtained by treaty, and not as booty, was liable to be disposed of according to the stipulations which the Governor General had thought best fitted, on due consideration, to meet the justice of the case, and the wants of the case. He held in his hand some of the conditions of the treaty concluded by the Governor General. One of them was, that all the property of the State of Lahore, of whatever description, should be confiscated to the East India Company, in part payment of the debt due from the State of Lahore to the British Government, and pay the expenses of the war. The noble Earl opposite had said the Maharajah was a prisoner when the treaty was drawn up; but Her Majesty's Government had not so understood the fact. They understood the Maharajah was still recognised as a sovereign prince when the treaty was concluded; and if guards and sentries had been placed about his person by the orders of the Governor General, it was not to prevent his escape, as in the case of a prisoner, but for the purpose of his protection. The Governor General thought himself perfectly at liberty to conclude a treaty with that Prince with respect to all the property of Lahore, and to dispose of it in the way that he deemed best for the government of India, and the rights of the Sovereign of the country. That was all the explanation he could at present give to the noble Earl; but he would promise him that the whole subject should be reconsidered, with a view to ascertain the legal bearing of the transactions.

The DUKE of WELLINGTON said: My Lords, I must do the Governor General of India the justice to say, that my noble Friend who spoke on this side of the House (the Earl of Ellenborough) is mistaken if he supposes that the services recently performed by the army in India have not been highly estimated and justly considered by him in his recommendations to the public authorities in this country, for the bestowal of those rewards which have been so highly merited by the services of that army; or if he supposes that Her Majesty's Government in this country, and those that have been officially consulted on the subject, have, on this occasion, been niggardly and remiss in granting the rewards and honours most prized by the army. That has been most willingly done by Her Majesty's servants, at the recommendation of the Commander-in-Chief and the Governor General; and I can entertain no doubt that the Governor General will extend still further pecuniary rewards, if it should be in his power to grant them. My noble Friend has stated clearly the position in which the question stands as between Her Majesty's Government and the East India Company. But, my Lords, there is not only the question of personal property, or of moveable property, which is properly the subject of booty; but there are also vast landed properties. The Sovereign of this State had landed property; the Sirdars who commanded the armies, and who were traitors to the State and to the British Government, had landed properties; and their properties, not exactly moveable, became liable to the consequences of booty. All these are included in the word "property" which is stated to have been confiscated; but, at all events, the Governor General, in his own proclamation, may, if he thinks proper, do what is called "confiscate" property; but when he comes to an arrangement as with the Maharajah Dhuleep Singh, I fancy the word used is not the word "confiscate"—although the word does not matter—but that it would be the word "seize." When I say that, I do not mean to say that it will at all alter the legal acceptation of the property after it comes into the possession of the British authorities. My Lords, it was not absolutely necessary, but it was a decidedly wise and politic arrangement on the part of the Governor General, which required that this Maharajah Dhuleep Singh, notwithstanding that his country had been conquered and his army destroyed, and everything belonging to him was in the possession of the conquerors—I say it was a wise and politic arrangement to require that the Maharajah should be a party to the cession made of the territories, and also of all properties, landed or personal, moveable or immoveable. I say it was wise and desirable that he should make a political cession, by a political act, of these properties, besides that of the military act of occupation of the territories, and the seizure of the moveable property by the military forces under the authority of the Governor General. That was, in my opinion, a wise and politic arrangement. But it does not signify in what manner the property comes into the possession of the officers of the East India Company. I consider it to be liable to all the provisions of the law of England from the moment it comes into possession of the governing authorities. Under these circumstances, I would suggest to my noble Friend that the most regular mode of proceeding would be to leave the matter in the hands of Her Majesty's Government to settle this question with the Court of Directors (including the question of booty for the army), being convinced that the Governor General and the Government authorities at home, are anxious as any parties can be to promote the benefit of the army.

Lord GLENELG said, that he concurred in what had fallen from the noble and gallant Duke who had just sat down. He did not at all intend to enter into the very wide subject of military booty or military property; but he wished to make a few observations upon what had fallen from his noble Friend and the noble and gallant Duke, with respect to what was called a treaty between the two parties. Merely for the sake of accuracy, and without wishing to cast any reflection upon the conduct of the Governor General, or to call in question the policy or wisdom of the course pursued, but merely for the sake of accuracy, he wished to observe that this transaction did not profess to be a treaty between the two parties to the arrangement. It was an arrangement merely executed on the part of the conqueror, and stipulated that certain concessions should be made in the event of certain conditions being fulfilled. It was announced in these papers that whether the terms were acceded to or not, these arrangements of the Governor Governor General were to be carried into effect; and Mr. Elliot, who had conducted the transaction, had said that if they chose to refuse the cession of the property, the only difference in their case would be, that there would be no further consideration of their interests.

The Earl of ELLENBOROUGH: It was stated that the Maharajah should be entirely at his mercy.

Lord GLENELG thought the Governor General had dealt fairly with the parties. The noble Earl opposite had drawn a distinction between booty obtained by the Company's forces and booty obtained by the Queen's forces.

The Earl of ELLENBOROUGH: Where the Queen's forces co-operate.

Lord GLENELG: But the Queen had control over both. The East India Company had acted merely as a trustee of the

Crown of this country. By the last Charter Act they were made the representatives of the Crown, and they could not dispose of prizes taken in war. Such property came to the Crown. He thought that the noble and gallant Duke had properly explained the clause in the arrangement which stated that all the property of the State was to be confiscated to the East India Company. The Governor General could not help using the expression that such property should be so confiscated; but still it was impossible that any arrangement made by an inferior authority would supersede the prerogative of the supreme and paramount authority. The East India Company ruled over that district, and, as their servant, he could not say that all the property should be confiscated to the Crown. But these words of the Governor General could not be considered binding either upon the East India Company or upon the Crown. Again expressing his acquiescence in what had fallen from the noble and gallant Duke, he concluded by expressing a hope that Her Majesty's Government would pay that attention to the subject which its importance deserved.

LORD BROUGHAM said, that the observations of the noble Lord who had last spoken were entitled to great respect with their Lordships. He thought the word "confiscation," as applied to this transaction, was contrary to all idea of contract between two parties. The Governor General might be the servant of the Company, and in the first instance he might probably be compelled to "confiscate." If the property belonged to the Crown as booty, and the Company were the trustees of the Crown, it would be no gift; and on that construction, to hand over the great jewel would be no gift. The noble Earl had imputed no blame to the Governor General. But it was altogether a curious state of things; for when we heard of a treaty between two States, or a contract between two individuals, it was generally considered that the contracting Powers had some power with respect to refusing or giving their assent to such contract.

The EARL of ELLENBOROUGH, in replying, observed that he had not meant to attribute to the Governor General anything more serious than inadvertence, as not having sufficiently borne in mind the legal condition of the property. There was some inaccuracy of expression. With respect to landed property, the territory went to the East India Company by Act of Parliament. That which was called a treaty, which had received the assent of a person in duresse, who was told that whether he assented or not, it would come to the same thing, and he should lose his kingdom—that so-called treaty had no validity whatever in the East. He doubted whether a European moralist would consider it very binding. He was happy to find that the noble Marquess opposite (the Marquess of Lansdowne) viewed this matter in pretty much the same light that he did, and that he agreed with him in thinking that the question was of sufficient importance to justify a serious investigation. It ought, in the first instance, to be submitted to the consideration of the Attorney General, as the officer on whom especially devolved the duty of taking care that the rights of Her Majesty should not be in any degree infringed upon. If it should be found desirable, as he most assuredly believed it would be, to have a judicial decision on the question, it would be very easy to raise such a case as would procure one. There was nothing, either in law or propriety, to prevent the army from memorialising the Queen on the subject; and if they did so, their memorial would, as a matter of course, be referred to the consideration of the Judicial Committee of the Privy Council. By the decision of that body, he would be quite satisfied to abide; but he certainly did think that there was sufficient in the case to make it highly desirable that it should be fully, fairly, and judicially reconsidered, and that in the event of the decision being against the Crown, everything that was practicable should be done te satisfy the army that that decision was at least according to law.

Motion, by leave, withdrawn.

SHRIEVALTY OF WESTMORELAND.

LORD CAMPBELL brought in a Bill to provide for the execution for one year of the office of sheriff in the county of Westmoreland. The shrievalty of that county was hereditary in the noble family of Thanet; but the late Lord Thanet having bequeathed it at his death, some doubts arose as to the validity of the bequest. In the meanwhile the assizes were approaching and the county was without a sheriff. The Bill he had brought in had been with the consent of the Thanet family.

LORD BROUGHAM acquiesced in the propriety of introducing the Bill. The claimant of the office would have to appeal to a court of law for a decision on his claim.

Bill read 1ª.

AUDIT OF RAILWAY ACCOUNTS BILL.

Order of the Day for the House to be put into Committee read.

LORD MONTEAGLE, in moving that their Lordships should go into Committee on this Bill, observed, that, he wished, in the first place, to disabuse people's minds of the impression which was industriously created that the Bill was one originating only with a private Member of their Lordships' House. He wished it to be known that, on the contrary, in introducing the measure, which was founded on a report of a Select Committee of their Lordships, he had acted as the organ of the House and of Government, and that the measure before them had met with their approval, as well as the approval of the Select Committee. He did not think there would have been a discussion on the occasion of the second reading of this Bill, had the public properly understood its scope and provisions. Capitalists had already pledged themselves, wisely or unwisely he would not say, to an outlay of 300,000,000*l.* for the construction of railways. If their Lordships would contrast the sum of 300,000,000*l.* embarked in railway undertakings—200,000,000*l.* of which had been already expended—with the 740,000,000*l.*, the amount of the national debt, such a contrast could not fail to open up ground for grave reflection. When it was considered that a sum of 300,000,000*l.* was appropriated to one branch of industry, and withdrawn from other branches of industry, and that this had been done under the authority of Parliament, the magnitude of the question became apparent. Parliament had already sanctioned 12,000 miles of railway. [Lord BROUGHAM: It must necessarily be a monopoly.] Yes; and it was a monopoly which necessarily swallowed up all other modes of conveyance. Can it be doubted that a system of this magnitude is undeserving of Parliamentary attention, more especially when we consider that all travelling, much of our commerce, the service of the Post Office, and the movement of troops, depend on its due management and administration. It had been objected, that a system of auditing might with equal justice be extended to bank-stock companies; but he confessed he could not see the analogy between the cases. As the Legislature had created these companies, and had sanctioned this appropriation of money, which had led to such consequences, the Legislature was bound to provide a remedy for any abuses which were proved to exist. If ever a system had introduced amongst all classes of the community in this country the spirit of gambling—a spirit unexampled in any former times, and surpassing even the excitement attendant on the South Sea scheme in England, or the projects of Law in France—it was the spirit which had been created by Act of Parliament in our own time. The high as well as the low had been participators in that spirit of gambling and adventure. Where was the spirit of gambling to be found at all times? It was in those pursuits in which the fluctuations were great, and in which the chance of great gain induced men to run great risks in the hope of great gains. This was the case in railway adventures under the present system. It was proved in evidence that in the shares of one particular company, the difference between the highest and the lowest price represented a fall of 3,000,000*l.* of capital; and this in a period of two months. Further, he would take as an example four of the greatest of the railway companies, and would trace the value of their stock throughout the years 1845, 1846, 1847, in August 1848, and in October 1848. The value of North-Western stock in 1845 was 252; in 1846 it had fallen to 210; in 1847 to 170; in the August of 1848 to 114, and in October of the same year to 104. The Great Western stock had, during the same period, sunk from 246 to 77; the South-Western from 82 to 36, and the Midland from 180 to 66. The average fall in the value of the stock of twelve companies amounted to 64 per cent. Now, this was mainly attributable to the defective mode in which the financial affairs of railway companies were now conducted, and to the consequent want of confidence which the people entertained in the financial condition of the companies. No confidence was felt in the accounts on the faith of which no sane man would venture on making an investment In these matters no one trusted his neighbour in times of panic and alarm, and the discredit extended from the badly managed to the best managed railways. It affected the whole railway interest. He would proceed to explain to the House more in detail to what cause many of these misfortunes might be traced. In the first place, as their Lordships were aware, Parliament granted to the directors power for raising money by shares to a certain amount, and powers for borrowing further specified sums. But Parliament had been weak enough to imagine, that as these powers were granted for a particular purpose, the funds raised would only be applied to that purpose. But as long as railway companies could raise capital and borrow money on any pretence, and could spend it on any object, at their discretion, the shareholders, the House, and the country had no security whatever. If a sum granted for capital could be transferred for the purposes of swelling the dividend, that transaction gave a fraudulent value to the shares upon which such dividend was made, and encouraged individuals who were ignorant of the operation, to think that the profits of the railway were greater than was actually the case; when that fallacious dividend ceased —as soon it must—there must take place an immense fall in the value of the whole property. The Act of Parliament expressly provided that the scheme of dividend should be prepared so as not to reduce the capital of the company. Thus the application of capital to dividend was clearly against law. But the prohibitory enactment was ineffectual—there was no power provided to enforce this stipulation—there was no sufficient machinery provided to render it certain that the accounts of the company were correct and true, and that the dividend was paid out of profits. The Act, no doubt, provided that the accounts should be always open to shareholders. Was there not a late case shown—that of the North Wales Railway—in which the accounts had been kept in cypher? The Act also provided for the appointment of auditors, and for the investigation of the accounts by them, and the subsequent consideration of the accounts by the shareholders. Now, he knew a company which had actually sent round to the shareholders one series of printed accounts, and had laid quite another version of them in manuscript upon the table—the company in question afterwards pleading, that the accounts having been so laid upon the table, had been brought under the cognisance of the shareholders, to whom quite a different report had been submitted, in a printed shape. Again, the Act provided that there should be an auditor, and that that auditor should be a shareholder. He was generally appointed, at the suggestion of the directors whose accounts he was appointed to check, by a committee; his powers of investigation were very limited, and he was himself one of the company whose affairs were to be inquired into. *Quis custodiat ipsos custodes?* In fact, to make an audit efficient, it was indispensable that there should be an independent auditor. This was the principle applied to the public service, and he did not see why it should not be extended to railway matters. He now came to the abuse of the misapplication of funds. If there was one principle more clearly established than another, it was that directors were only trustees for the carrying out of certain objects, for the realisation of which Parliament had granted them certain powers, and that beyond those objects they should not travel. But what had been the actual practice? The money entrusted to them had, in too many cases, been made use of for purposes entirely foreign to those for which it was granted. He did not necessarily attribute moral delinquency to many of such directors. In such transactions, he believed they often sought to advance the interest of the shareholders; but to show how far these practices had been carried, he would take the case of some well-managed railway, and not such a one as the unfortunate North Wales, of which their Lordships had witnessed such a morbid anatomy. He would take the South Western Railway. He had examined the chairman of that railway, Mr. Chaplin, and from that investigation it appeared that Mr. Chaplin had borrowed money for the purposes of the railway from the North Wales Company, on his own individual security, and on that of his co-directors. On his examination, Mr. Chaplin stated that these were proceedings not strictly regular, but that he had made it on motives of general policy, knowing the pressure on the shareholders, and the arrangements of the Bank of England, to prevent railways getting money. Again, other funds raised or borrowed, nominally for the purposes of the railway, had been in fact applied to the establishment of steam navigation between the Channel Islands and Southampton. In another case money raised to construct a railway to Harwich, had been applied to construct a line to Norwich. But the most extraordinary of all was the case of the Caledonian Railway. Their case was this: they purchased and trafficked in the shares of other companies without even the authority of their own shareholders, and undeniably contrary to law: this was done apparently with the object of obtaining a control over other railways. Their actual condition was this: they had expended out of the money entrusted to them to make the Caledonian railway 381,000*l.* in trafficking in the shares of other companies—that they were indebted in other liabilities to the extent of 117,000*l.*—that they had entered into guarantees for the payment of 240,000*l.* in one quarter, and for the payment of two sums of 150,000*l.* each in two other quarters. They were also under obligations to pay to the North Western line 1,020,000*l.*, while they were liable for upwards of 93,000*l.* of calls payable to several other lines. The chairman of this railway, Mr. Hope Johnston, a most excellent and respectable man, admitted that these proceedings were not legal, but that they had been undertaken for the interest of the Caledonian Railway. Of this he had no doubt; but they ought to prosecute their interests in a legal way. In the case of another railway, Mr. Laing, the chairman—a most intelligent man—admitted that the directors of his line had expended 38,000*l.* in the purchase of shares in another company, and stated that the object was to prevent that line from being carried out—an object in which the company which Mr. Laing represented, the Brighton Railway Company, fully succeeded. In fact, he considered that they had employed their capital in buying off opposition. Having succeeded so well by land, this company thought they would try an adventure by sea. So they proposed to establish steam communication between Brighton and Dieppe, paying for the steamers out of the fund entrusted to them for the construction of the railway. He would only allude to one other case, that alluded to in the evidence of Mr. Hutton, the official assignee at Bristol. This intelligent witness stated, that having to examine into the accounts of a railway company, he found that a balance of 31,000*l.*, which was stated to lie in the hands of the bankers of the company, really consisted of 22,000*l.* of overdue and protested bills of their own secretary, the remainder including securities of about equal value. Now, none of these melancholy facts could have taken place if there were a proper system of auditing accounts established. Under an improved system these malpractices would be detected and put an end to; the shareholders would have the facts of the case brought before them, and be able to take their steps accordingly. His Bill was intended for the benefit of the shareholders—it was intended to enable them to exercise a proper control over their directors and chairmen. It was intended to give them a security in the fidelity of the accounts laid before them. It was supported by the bulk of the evidence of some of the greatest railway authorities, examined before the Select Committee, and he had now to ask their Lordships to pass the measure through Committee without further delay.

Lord BROUGHAM only wished to state that he approved of the Bill; that he thought the country indebted to the noble Lord for bringing it forward; and that nothing could be so absurd as the cry that the Bill came too late.

House in Committee.

On the 1st Clause,

The Earl of LONSDALE stated, that he objected generally to the principle of the Bill. He objected to the principle of Government interfering with the private concerns of companies. As they had free trade in every thing else, he thought that they ought to have free trade in railways also. As the chairman of a small company managing a railway of only twelve miles in length, he could state that that company would very seriously object to the expense of having an auditor all the way from London to examine their accounts every year.

The Earl of YARBOROUGH remarked upon the extraordinary haste with which the Bill had been hurried through the House up to its present stage. He did not deny but that there might be an improvement in the mode of auditing, and he saw no reason why an auditor should be necessarily a shareholder. However, if Government interfered upon the point, he was afraid that the result would be that shareholders would get indifferent, would neglect to institute a proper control over their own accounts, and that the advantage which was anticipated from the Bill would not by any means be realised. He abhorred the malpractices which had taken place with respect to railway management as much as any man, but still he doubted the power of the present Bill to make any important change for the better.

Earl POWIS complained that the Bill had been hurried through the House with railroad speed, so that the parties most concerned could have little knowledge of its provisions. He suggested a postponement of the measure for some days, in order to afford time for a closer examination than had yet been made into its details.

Earl GRANVILLE did not think the expense of auditing would be much after the first attempt. The evidence of Messrs. Chaplin, Swift, and Russell, seemed to agree that an auditor was desirable, the only difference being as to the mode of his appointment. He thought that the Bill of the noble Lord would be advantageous both to the railway companies and the public. Too much was said about the interests of the shareholders in this matter. But that part of the public who might wish to become purchasers of shares, as well as the general public who were dependent on railways for the means of communication throughout the country, were also interested in the solvency of railway companies. He supported the Bill, therefore, on these grounds, and not from any hostility to railway companies or their directors.

Lord BROUGHAM said, it was absurd to say that they (the House of Lords) had no right to legislate for those companies. They had a legal right to interfere; and they would interfere with their mode of management, because every railway company was a monopoly. In the case of roadside inns there might be great difficulty in interfering to regulate their management for the benefit of the public. But, after all, another could be set up in opposition, and thereby a check was afforded. But the railways had a complete and perfect monopoly, and the interference of Parliament was necessary to regulate their proper management.

Lord MONTEAGLE proposed some verbal Amendments.

Earl POWIS objected to the powers given to the commissioners under the fifth clause, for altering the mode in which the companies should keep their accounts.

Lord MONTEAGLE assured the noble Lord that the regulation was intended to facilitate the operations of the railway companies, not to throw difficulties in their way.

Earl POWIS objected to the provision in the twenty-first clause, that the lists of shareholders should be printed for inspection. He considered it to be a most unwarrantable intrusion into the private affairs of individuals, to make an arrangement whereby any one could ascertain the number of shares held by any individual in any company.

Lord MONTEAGLE said, that all that was proposed by the Bill was, that the shareholders in any company should be afforded an opportunity of ascertaining who their partners were. It was not intended that a list should be hung up publicly in the railway offices, although such an arrangement had been found necessary in the case of joint-stock banks, but merely that a list of the shareholders should be kept, to which any shareholder could have access whenever he pleased.

Amendments agreed to.

Report to be received on Thursday.

House adjourned to Thursday.

HOUSE OF COMMONS,

Tuesday, July 3, 1849.

Minutes.] Public Bills.—1° Mines and Collieries.
2° Municipal Corporations (Ireland).
Reported.—Friendly Societies.
3° Pupils Protection (Scotland).

Petitions Presented. By Mr. Bright, from Manchester, and by other hon. Members, from a Number of Places, for Universal Suffrage, &c.—By Sir R. Ferguson, from Londonderry, for the Endowment of Londonderry Free Church; also for the Leasehold Tenure of Lands (Ireland) Bill.—By Mr. Traill, from Canisbay, against, and by Mr. Tancred, from Banbury, in favour of, the Marriages Bill.—By Lord Ashley, from Bath, for an Alteration of the Sunday Trading (Metropolis) Bill.—By Mr. J. H. Vivian, from Swansea, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Coke, from the Guardians of the Downham Union, for the County Rates and Expenditure Bill.—By Sir G. Grey, from Dudley, for the Adoption of Measures for the Prevention of Accidents in Mines.—By Mr. Herries, from the Glandford Brigg Union, for a Superannuation Fund for Poor Law Officers.—By Sir C. Knightley, from Titchmarsh, and other Places in Northamptonshire, for the Protection of Women Bill.—By Mr. Hume, from Forfar, for the Postponement of the Public Health (Scotland) Bill.—By Mr. Grogan, from Dublin, Dundrum, and Rathfarnham Railway Company, for the Railways Abandonment Bill.—By Lord Dudley Stuart, from Marylebone, for Acknowledging the Roman Republic.—By Mr. C. Pearson, from Thomas Best, of Lambeth, against the Royal Pavilion (Brighton) Bill.—By Captain Harris, from Leicester, for the Scientific Societies Bill.—By Mr. James Howard, from Malmesbury, for an Alteration of the Small Debts Act.

POOR RELIEF (IRELAND) BILL.

The House then resolved itself into a Committee on this Bill; Mr. Bernal in the chair.

Sir H. W. BARRON proceeded to state that he was induced to submit the clause of which he had given notice, from a conviction that the country could no longer defray the enormous expense of outdoor relief. Did the House know the extent of the increase of outdoor paupers? A recent Parliamentary return showed that in the Ballina union there were 34,000 paupers, in the Ballinrobe 41,000, in Castlebar

21,000, in Castlereagh 16,000, in Newcastle 17,000, and in the Westport 27,000. Could any one believe that the property of Ireland could support such a mass of pauperism? A great number of the unions in the south and west of Ireland were bankrupt, and in others it was of late found impossible to collect the rates. In the union of New Ross, in one of the best counties in Ireland, Captain Newport, the vice-guardian, reported that in one day he had 300 applications for outdoor relief, and that rates in the union were no longer collectable. He asked whether the Government was prepared to perpetuate a line of policy which had been condemned by the Committee of the House of Lords, and also by the Committee of their own House? He warned the House, that if they persisted in this system they would have to return—as the right hon. Baronet the Member for Tamworth told them they would have to do—to the legislation of former years, and refuse to give outdoor relief. He believed that if the workhouse test were adopted in every instance, fraud and deceit would be no longer practised on the guardians and ratepayers. The clause which he wished to have inserted stated, that the system of outdoor relief demoralised the pauper. Of this there could not be a question, for they had it in evidence that the grossest frauds were daily practised on the guardians. Cases were known in which women brought the same children three or four times to obtain relief, and that children were hired at a few pence a day in order that they might accompany persons who were not provided with those qualifications for relief. He contended that no country could possibly stand such a drain upon its resources. England could not long last upon such a system. Did not the House remember the clamour which was raised in the wealthy union of Manchester, when there were 1,300 paupers placed upon outdoor relief? How, then, could it be expected that Ireland, impoverished and borne down as she was, could support such a drain? He did not wish the Government at once to issue an order to stop outdoor relief, but he wished to point out the urgent necessity that existed for limiting the system, as he was convinced that the property of Ireland was daily breaking down under its influence. All the persons of the middle class in Ireland who had the means to quit the country were emigrating, to avoid the pressure of taxation, which weighed them down. The most useful classes of the community were expatriating themselves, and emigrating to America, where there was no outdoor relief. To his own knowledge there were hundreds of houses in the city of Waterford which were tenantless, and for which no occupants could be found at even half the rent. Let him not be told that he was advocating a principle by which relief would be refused to the poor. He was in favour of relieving the poor when there were not twenty Members in the House to support him; but he was opposed to giving outdoor relief to the ablebodied. Let relief be given to the old, the weak, and the disabled, out of the house if necessary, but do not let them give outdoor relief to the ablebodied without subjecting them to the workhouse test. He assured the House that an inroad of the Atlantic, the visitation of an erratic bog, or the invasion of 300,000 Cossacks, could not more effectually desolate the country than the continuance of the system of outdoor relief to the ablebodied. He would beg to propose the following Clause:—

> "And whereas it is found that outdoor relief demoralises the paupers, leads to great frauds, pauperises the ratepayers, and destroys all motives for exertion on the part of both landed proprietors and capitalists, be it therefore enacted, that from the 1st of January, 1850, it shall not be lawful for any board of guardians in Ireland to grant relief to the ablebodied poor out of the workhouse."

Lord J. RUSSELL opposed the clause, because the hon. Gentleman's Motion, under the guise of a clause to be added to the present Bill, was really a clause for the repeal of the Irish Poor Law Act of 1847. It was, therefore, hardly proper to discuss so great a question upon the proposal to add a clause to the present Bill. The hon. Gentleman stated the sufferings of the poor, and said that they had no sufficient means of existence already; but he (Lord J. Russell) could not understand how the taking away the relief now given to them could add to their means of subsistence, or improve their condition. He knew a distinction was made between the sick and ablebodied poor; but if the hon. Member succeeded in refusing relief to the ablebodied poor, he would not find there was much economy in it, because the same persons would come a few days afterwards, and demand and receive relief as sick. They would qualify themselves by their misery and destitution to receive relief as sick poor, and as such they must be relieved. The greater portion of the 700,000 persons who were now receiving outdoor relief in Ireland came under the description of sick, aged, and infirm poor, and were not ablebodied poor. Looking upon the clause then as a repeal of the poor-law, he must give it his opposition.

Mr. DICKSON had seen the ill effects of granting outdoor relief to the ablebodied poor in Ireland, and had himself heard a man who possessed forty cows apply for outdoor relief, saying, "Why should I not have my whack?" The country could not pay the rates if this demoralising system were continued, and he would support the clause.

Mr. W. FAGAN said, that if there was sufficient accommodation in the workhouses, he would be unfavourable to outdoor relief. Such was not the case, and, therefore, he was of opinion that outdoor relief should be afforded. He thought that if Ireland recovered herself, and assumed her ordinary condition, as he felt she would, they would find that they would not have to complain of relief being afforded to the ablebodied in Ireland.

Mr. CONOLLY supported the insertion of the clause proposed by the hon. Baronet the Member for Waterford, and said that it was the bounden duty of the Legislature to lay down the broad principle, that every man should live by the sweat of his brow. If they did not go the whole way with the hon. Baronet, they ought at all events to make some modification of the present system.

Mr. STAFFORD felt the great importance of the question which had been brought forward by the hon. Baronet, but looking to the attendance of hon. Members, especially from Ireland, he put it to him whether it would not be better to postpone his Motion till the third reading of the Bill?

Sir W. SOMERVILLE also admitted the importance of the clause. He did not accuse those who supported it with any want of consideration for the poor, but they had not shown by what other means than those at present resorted to, the poor of Ireland could be supported. He agreed with the hon. Member for Waterford that it was desirable to return as soon as possible to the workhouse test. The Poor Law Commissioners had the power of withholding outdoor relief to the ablebodied poor whenever circumstances justified their doing so. Admitting the abuses inseparable from out-of-door relief, and the desirableness of returning as soon as possible to the workhouse, he hoped the hon. Member for Waterford would be satisfied with that expression of his opinion, and withdraw the clause.

Sir H. W. BARRON said, that after the opinion expressed by the Secretary for Ireland, he should not press his clause to a division.

Clause withdrawn.

Colonel DUNNE then moved the insertion of a clause to the following purport:—That in electoral divisions, where the ratepayers of any townland or union of townlands within such division shall undertake to support a portion of their poor, then such townlands to be exempted from any rate, except for union and establishment charges. In the event of any pauper appealing to the board against the support afforded him under the foregoing circumstances, the guardian to give him relief; and in case of decision of guardians being disputed, appeal to lie to the magistrates and assistant barristers at quarter-sessions.

Mr. CORNEWALL LEWIS said, that a plan similar to that contained in this clause was embodied in a Bill introduced by the hon. Gentleman the Member for Stroud. That Bill having been read a first time was fully debated on the second reading, and the House decided against that plan for a labour rate in Ireland. He did not, therefore, think that it was necessary to go into a fresh debate on the subject; and he would put it to his hon. and gallant Friend whether he would deem it expedient to press the House to a division.

Sir A. B. BROOKE said, that although he agreed in the spirit of the Motion which had been brought forward by his hon. and gallant Friend, he did not think it was practical in the shape in which it was brought forward. To carry it out it would be necessary that the entire poor of the electoral division should be supported; he would be inclined to support it, provided it was arranged that the entire poor of the electoral division should be maintained.

Mr. POULETT SCROPE said, that the proposal before the House was one calculated to stimulate private employment, and he would therefore give it his support. Surely nothing could be more reasonable than to employ the enormous number of ablebodied paupers who were now supported on the rates, while the land was lying uncultivated all around. The proposition of the hon. and gallant Member went to cure this anomalous state of things, and was one which he considered a wise Government ought not to reject.

Mr. F. FRENCH did not agree with those who thought that Irish Members were indifferent to the question now under consideration. He believed he might say that almost every Member representing an Irish constituency, and at present in London, was then in the House. They had had ample experience of the extent to which Ministers could, generally speaking, command majorities to outvote the Irish Members, and he strongly recommended them on the present occasion to avail themselves of the preponderance which at that moment they possessed, and defeat Ministers by coming at once to a division.

Sir H. W. BARRON did not disapprove of the clause proposed by his hon. and gallant Friend near him, but he thought that its operation ought to be limited to two or three years.

Sir G. GREY said, that the principle of this clause was identically the principle of the Bill introduced by the hon. Gentleman the Member for Stroud. That principle had been fully discussed, and the division was only 41 to 166. Any person who referred to the majority would find that the greater number of the Irish Members present on the occasion were opposed to that Bill. He now asked whether the House, by a clause of a few lines, would adopt the same principle?

Mr. GROGAN had dissented from the Bill introduced by the hon. Gentleman the Member for Stroud, and would again dissent from it, because he would object to anything that interfered with independent labour; but he could speak from his own knowledge of the benefit resulting from a plan somewhat like that now recommended. If, by doing as proposed, the rates could be kept down, the suggestion would be deserving of serious attention; and probably the Government might take the proposition into their own hands, and modify it, with a view to remove the objections to it.

Lord J. RUSSELL said, it appeared to him to be very doubtful whether the Irish Members, especially the hon. Gentleman who had just spoken, was in favour of the clause; for it appeared that he was opposed to a compulsory allotment of labour in certain districts, and that was what the clause proposed to do. The hon. Gentleman approved of a plan which he believed to have been adopted in some parts of Ireland, and frequently in parishes in England, where the farmers, by general agreement, on seeing a number of labourers out of work, gave them employment, and thus avoided a considerable burden of poor-rate; but there was no clause to make them do it. If it were voluntary, the object was accomplished without any Act; but if it were made compulsory, they would run the greatest danger. It was proposed many years ago to make such a law in this country; but Lord Althorp satisfied the House that it would be most objectionable. And though various amendments had been made in the poor-law from the year 1833 up to the present time, no such amendment had been made in it, and it would be difficult to interpret such a clause if the House adopted it.

Mr. GROGAN, in supporting the clause, did not mean any compulsory allotment whatever. He considered it should be done by a voluntary association, in a townland or district, for giving employment to the unemployed.

Mr. SHARMAN CRAWFORD considered that the proposition was different from the principle embodied in the Bill of the hon. Gentleman the Member for Stroud. By this proposition, it was proposed to give a permissive power to make voluntary arrangements, and to subject those voluntary arrangements to the discretion of the boards of guardians. He did not think they were bound by the decision on the Bill of the hon. Member for Stroud to reject this proposition, which should be discussed on its own merits.

Mr. STAFFORD thought the object of the clause was good; but, on considering the machinery by which it should be carried out, he felt it would be quite impracticable. On that ground he would be compelled to vote against it.

Mr. E. B. ROCHE said, that however specious the proposal might appear, it would be quite impossible to carry it out. He should, therefore, be compelled to support the Government in opposing the clause.

Colonel DUNNE, in reply, stated that he had had a great deal of experience in the administration of the poor-law in Ireland, and he was convinced that none of the difficulties apprehended by hon. Gentlemen who opposed the clause would, in reality, exist.

The Committee divided:—Ayes 18; Noes 80: Majority 62.

List of the Ayes.

Archdall, Capt. M.
Barron, Sir H. W.
Bateson, T.
Brooke, Sir A. B.
Burke, Sir T. J.
Fagan, W.
Forbes, W.
French, F.
Grace, O. D. J.
Grogan, E.
Hamilton, J. H.
Ker, R.
O'Brien, Sir L.
O'Flaherty, A.
Scrope, G. P.
Scully, F.
Taylor, T. E.
Tenison, E. K.

TELLERS.
Dunne, Col.
Crawford, W. S.

Sir D. NORREYS brought forward a clause for the purpose of enabling the commissioners to require the board of guardians, when in want of sufficient funds for payment of debts, to borrow such sum as might be required, on the security of the rates of the union at large, but on condition that the sum so borrowed should be repaid, with interest, by instalments extending over a period not exceeding ten years, and the instalments and interest payable thereon should be the first charge on the rates of the union, and the treasurer should be bound to pay off the instalments and interest as they became due out of any money in his hands to the credit of the union, or to advance the amount thereof, and charge interest on such advance; and for so doing the order of the commissioners should be a sufficient discharge.

Sir G. GREY thought this clause, in its present shape, was very objectionable. He did not mean to say that it might not be right to enable guardians to borrow money which might be required for the relief of the poor, and to spread its repayment over a certain period; but this clause went much further. It required the guardians to borrow, and also required the treasurer to lend, money at a certain rate of interest, which was, he thought, a most arbitrary requirement, especially if the office of the treasurer was compulsory. He also considered that it would be improper to make the repayment of such loans the first charge upon the rates, for the first charge upon the rates ought clearly to be the relief of the poor.

Clause withdrawn.

Lord NAAS then moved the following clause:—

"And be it enacted, That so much of an Act passed in the second year of Her present Majesty's reign, intituled, 'An Act for the more effectual Relief of the Destitute Poor in Ireland,' as enacts 'that any covenant or agreement whereby any person liable to pay rent, and entitled, under the provisions of this Act, to deduct therefrom any rate, or portion of rate, shall have covenanted or agreed, or shall hereafter covenant or agree, to forego such deduction, shall, so far as such rate is concerned, be of no effect,' be repealed, except as to anything heretofore done, or now pending under this Act."

Lord J. RUSSELL said, that if the Committee divided, he would vote in favour of the clause.

The Committee divided:—Ayes 71; Noes 10: Majority 61.

List of the Ayes.

Archdall, Capt. M.
Armstrong, R. B.
Barrington, Visct.
Barron, Sir H. W.
Bellew, R. M.
Birch, Sir T. B.
Blake, M. J.
Brooke, Sir A. B.
Burke, Sir T. J.
Carter, J. B.
Caulfeild, J. M.
Chichester, Lord J. L.
Cowper, hon. W. F.
Craig, W. G.
Davie, Sir H. R. F.
Dickson, S.
Divett, E.
Duncuft, J.
Dunne, Col.
Ellis, J.
Forbes, W.
Fox, R. M.
Gore, W. O.
Grace, O. D. J.
Greenall, G.
Greene, T.
Grey, rt. hon. Sir G.
Hamilton, J. H.
Hamilton, Lord C.
Hastie, A.
Herbert, H. A.
Hill, Lord E.
Hill, Lord M.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Howard, Sir R.
Ker, R.
Kershaw, J.
Lascelles, hon. W. S.
Lewis, G. C.
Martin, C. W.
Maxwell, hon. J. P.
Monsell, W.
Morgan, H. K. G.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Napier, J.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, Sir L.
O'Flaherty, A.
Patten, J. W.
Ricardo, O.
Rumbold, C. E.
Russell, Lord J.
Rutherfurd, A.
Seymour, Sir H.
Shafto, R. D.
Somerville, rt. hn. Sir W.
Stafford, A.
Tancred, H. W.
Taylor, T. E.
Thompson, Col.
Thornely, T.
Tufnell, H.
Walsh, Sir J. B.
Willyams, H.
Williamson, Sir H.
Wyvill, M.
Young, Sir J.

TELLERS.
Grogan, E.
Naas, Lord

List of the Noes.

Crawford, W. S.
Ferguson, Sir R. A.
Lawless, hon. C.
O'Brien, T.
Perfect, R.
Power, Dr.
Scrope, G. P.
Scully, F.
Stansfield, W. R. C.
Sullivan, M.

TELLERS.
Fagan, W.
Roche, E. B.

Clause added to the Bill.

House resumed.

Committee report progress; to sit again at twelve o'clock on Thursday.

METROPOLITAN POLICE.

Lord DUDLEY STUART said, the Motion which he was about to submit to the attention of the House for the appointment of a Select Committee, was not new in its character, for in 1844 a Motion of a similar nature was made by an hon. Friend of his now on the Treasury bench, upon whose support he confidently reckoned on the present occasion. The Motion was, however, resisted by the Government of the day, and no Committee was consequently appointed. That was five years ago, and no Committee had, in fact, sat on this important subject for fifteen years. That, in itself, was a sufficient reason to induce the House to accede to his Motion. But there were others, and one was, the enormous increase which had taken place in the police rates. Foreigners were always greatly surprised to see so few soldiers in our capital, and wondered how with so small a force peace could be maintained. But they forgot that our police force was an army to all intents and purposes, and the amount exacted for the support of that army had gone on increasing, till in 1848 it reached the sum of 374,929*l.* But not only had the rate increased to this enormous amount, but it was drawn from the people in a way the most oppressive, because the most unjust. The police were provided for originally by a rate of 8*d.* in the pound; subsequently 2*d.* was granted from the Consolidated Fund, up to a certain amount; but, in 1847, the magistrates of Middlesex raised the valuation of property by the enormous amount of nearly 1,500,000*l.* the effect of which was to add to the annual police rate of the ratepayers of Middlesex, 36,617*l.* This injustice was represented to the Government, who felt the justice of the complaint, and undertook to remedy the evil, and an official correspondence took place between the right hon. Baronet the Secretary of State for the Home Department, and the police commissioners; and the right hon. Baronet was in hopes that an arrangement might have been made, and no doubt intended that it should be carried out, for a Bill was brought in on the 25th of last May; the second reading was put off again, and again, and again, and so was the Committee, till at last on the 27th of June, at two o'clock in the morning, without any notice to the parties concerned, it came on, and upon the Motion of the Government, the order was discharged. Of this the ratepayers, he thought, had reason to complain, and their complaints would be much louder if the inquiry he sought should be refused. It was not his purpose to complain of the conduct of the police; but he believed that the metropolis might be as well and as efficiently protected by a much less number of men, and at a much less cost, as they formerly were in many of the metropolitan parishes. His hon. Friend, to whom he had alluded in bringing on his Motion, stated, that in the parish of Marylebone previous to the establishment of the new police, the amount collected was 9,900*l.*; and the number of policemen employed 256; while at the time he spoke the amount had increased to 20,000*l.*, or more than double. He was not one of those who regarded the police as so very admirable and unblameable a force. Many of them, he knew, were prone to exceed their duty and oppress the people. No doubt, they were found extremely convenient by gentlemen who were in the habit of going to parties, by making way for them and getting them their carriages. But inquire of the people, ask them if they found them so convenient, and they would tell you that wherever a policeman was found, there was a petty tyrant. He knew this was attributable to their being uneducated men, and all he asked was, that they should be severely punished when they were found to be in the wrong, though he much feared that a general leaning existed in magistrates to favour the police, the result of which was, that the liberties of the people were put in jeopardy. They had seen how unscrupulous these men had shown themselves in giving evidence on trials, even when on their oath. He did not speak without book, but could quote cases if he were not afraid of wearying the House. Within the very last month a person had been brought before a magistrate and sent to trial, charged by a policeman with a horrible offence; but when the case came into court, the jury, just as the counsel for the defence had begun, stopped him, and at once acquitted the defendant. It was horrible to think that any Gentleman in that House might in the same way be exposed to such an imputation. Grant him a Committee, and all these things might be investigated, as well as the great cost, and why this large army should be maintained in the year 1849, when all was at peace in this country. His belief was, that the Government in 1848 made the disturbances which took place in that year, a pretext for increasing this force, and, having got it, they were unwilling to diminish it. This ought to be resisted. If he could hope that, by anything which he could add, he could influence the minds of the Government, he might be tempted to trespass longer on their attention; but he thought he should best consult the wishes of the House by at once moving for the appointment of the Select Committee.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire into the manner of making the Assessment in the several Counties for the maintenance of the Metropolitan Police, and into the expenditure thereof; as well as into the general administration of the Force, and especially into the recent annual increased charge of upwards of 35,000*l.* on the County of Middlesex."

SIR G. GREY really thought it would be a very needless waste of the time of the House if he were to enter upon a defence of the police against the charge of tyranny brought against that body by his noble Friend the Member for Marylebone, and to contrast with what the noble Lord thought the petty tyranny of an armed force, the security of person and property enjoyed since the establishment of the police. There was evidently but one opinion in the House as to the value of that force. With regard to charges brought against policemen—and it must be expected that in such a large body there would be such cases—the commissioners, where the parties were not brought before justices, exercised their power of dismissal or suspension wherever they thought the constable had exceeded his duty or acted improperly. The noble Lord had not laid the slightest Parliamentary ground for the inquiry he proposed. He had dealt only in general statements. Undoubtedly there was nothing new in the Motion; there was a most minute and satisfactory inquiry in 1834 into the constitution and general administration of the force. There had been no alteration in these respects since, though no doubt the number had been increased; and he (Sir G. Grey) did not see any good in renewing the inquiry. Originally the whole expense was provided by an 8*d.* rate levied upon the metropolitan districts; but by a subsequent Act it was settled that when 6*d.* out of the 8*d.* had been collected, the Treasury might issue out of the Consolidated Fund a sum equal to the remaining 2*d.* in the pound, subject only to the limitation that the sum so issued by the Treasury should not exceed 60,000*l.*; and there was now issued that sum annually, with some other items defrayed by the public, making the amount nearly 90,000*l.* The Bill of last Session was introduced under very different circumstances; and he had an opportunity then of stating the circumstances under which his letter was written, and need not repeat the statement. He admitted that the difference in the valuations in the metropolitan counties constituted a grievance, but it was one which he was endeavouring to remove, and in regard to which he was in communication with the magistrates; he might remark, that Middlesex was still valued very much below the property-tax valuation. He would move as an Amendment an Address for a return showing the increase and expense of the force in 1848, and also of the increase in the number of houses and streets in the metropolitan district within the last ten years.

Amendment proposed—

"To leave out the word 'That' to the end of the Question, in order to add the words 'there be laid before this House, a Return, showing the increase of the Rate in the year 1848 above that of the year 1847, for the maintenance of the Metropolitan Police Force, in the county of Middlesex, and each of the other counties, parts of which are within the Metropolis Police District, and showing what proportion the valuation upon which the Police Rate is now raised bears to the actual value of the property in each of the counties within the Metropolitan Police District, as nearly as it can be ascertained:'

"Also, a Return of the Expenditure of such increased Rate:

"Also, a Return of the number of Houses built, and of new Streets formed (with their length in miles) within the Metropolitan Police District, since the 1st day of January 1839, when the limits of the present district were fixed, to the present time, so far as the same can be ascertained:

"Also, a Return of the increase of the Population within the said District, since the 1st day of January 1839, so far as the same can be ascertained."

MR. BROTHERTON concurred with his noble Friend the Member for Marylebone, in protesting against the injustice of this rate. Instead, however, of its being unjust as regards the inhabitants of Marylebone, he considered that it was flagrantly unjust as regards the different counties and his own constituents. The county of Middlesex was valued at 6,000,000*l.*; Lancashire was assessed at a somewhat less sum; Manchester was assessed at a like sum. The expense of the police in Marylebone was 21,000*l.*; while the expense of the police of Manchester was 29,000*l.* In addition to the charge required to be made up for their own police at Manchester, they had to pay a large portion of the money taken from the Consolidated Fund to support the metropolitan police force. This he thought most unjust, and he hoped that his constituents would be relieved from this additional burden.

Mr. B. OSBORNE regretted that the noble Lord should attack so excellent a body as the metropolitan police. Although he agreed with the noble Lord in his Motion, he could not go with him in his calumny on the metropolitan police force, because he believed that a more excellent or efficient body of men never existed; and Mr. Mayne and the other commissioners were entitled to great credit for the manner in which they managed that force. He therefore could not join in the attack of the noble Lord. But that was not the question before the House. What he wished to press upon their attention was the increased annual charge that had taken place. The right hon. Gentleman the Home Secretary had said that there was no Parliamentary ground for this inquiry. The right hon. Gentleman said that in the face of his own letter, in which he had stated that the existing rate of 6*d.* ought to be reduced to 5*d.*, and that he should introduce a Bill on the subject. That Bill was brought in, but was withdrawn after the first reading. The reason given for withdrawing the Bill was the celebrated 10th April, which he thought ought to take the credit of making those fools which were supposed to be made on the 1st. Now, in 1847 there was a new assessment made for Middlesex, and the hon. Member for Salford was misinformed on that subject, as he was on all others not connected with his own district. Instead of the assessment being 6,000,000*l.*, it was 7,500,000*l.* What the inhabitants of Middlesex asked was that a balance of 62,511*l.* should not be allowed to remain in the hands of the police commissioners. Now if the penny were taken off the sixpenny rate, there would still be left a surplus of 26,854*l.* in the hands of the commissioners. Now, what could be the object of their having that surplus in their hands? He should support the Motion of the noble Lord, at the same time expressing his dissent from the attack he had made on the police force of the metropolis.

Sir W. JOLLIFFE considered, that the speech of the noble Lord contained a most unjustifiable attack upon the police force. He thought that the rural and thinly-peopled portions of the great metropolitan district had much more reason to complain than Marylebone. A single policeman, a foot patrol, in one of those parishes, could be watched over one of the hills, and depredations committed in his absence: nor could he follow the men who went about the country in taxed carts who committed the robberies, or carried off the stolen property. There should be a much larger mounted force for that outpost duty; there ought to be three constables at every station, at least two of them mounted, and those three men would prevent depredations more effectually than seven or eight at present. In Yorkshire the mounted police force had been found of the utmost efficiency. He should support the Motion, hoping that inquiry might lead to improvement in the system.

Mr. HUME was anxious to support the Motion, but not upon the grounds made out for it by the noble Lord. For the last twenty years he had, on the ground of economy, supported the principle that the police force should be placed under one head. He thought that these local burdens should be paid by local taxation. He thought it most unfair that Manchester, for instance, should be compelled to pay more money than was necessary for the support of their own force. It would be much better if there was a thorough inspection of every board every ten or twelve years: 24,000*l.* to be levied annually from Marylebone was a very heavy sum, particularly when it was stated that one-fourth of that sum would be sufficient for the purpose. He did not, however, think that there would be time this Session for this inquiry; for it was well known that hon. Members were already getting tired of the weight of the business that was imposed upon them. He would advise the noble Lord to withdraw his Motion for the present, and to remain satisfied with the returns for which the right hon. Baronet had moved. He did not concur in the charges against the police, but he thought the Government ought to grant a Committee of Inquiry. If his noble Friend divided he would vote with him, but at the same time he hoped the Government would grant an inquiry at some future period which would obviate the necessity for pressing the Motion to a division.

Sir De L. EVANS said, that the present system of assessing for the police rates was very unfair; for even if 2*d.* or 3*d.* in the pound would suffice, the Act required 6*d.* to be collected. An inquiry was absolutely requisite, and he should certainly support any proposal to that effect. At the same time he hoped the noble Lord, seeing what the feeling of the House on the subject was, would withdraw his Motion and renew it next Session.

Sir G. GREY said, that there was no desire on the part of the Government to raise any greater sum than was absolutely necessary for the support of the police. The hon. and gallant Gentleman was mistaken in supposing that a 6*d.* rate must be raised, whether it was required or not.

Sir J. W. HOGG reminded the right hon. Gentleman that he had admitted the hardship of this case, and had actually brought in a Bill to remedy the grievance. Acting upon the assurance given by the right hon. Gentleman, they levied at that time only a 5*d.* rate in Marylebone, instead of 6*d.* In consequence, however, of the right hon. Baronet withdrawing his Bill, he (Sir J. W. Hogg) was obliged to go to his banker's, and upon his own security to raise the balance. The inhabitants of Marylebone thought that they might rely upon the assurances of the right hon. Gentleman. [Sir G. Grey: I distinctly deny having given any such assurance.] The letter written by the right hon. Gentleman was not certainly in his hands. He believed it was in the hands of the hon. Member for Middlesex. If, however, that letter did not contain an assurance from the right hon. Baronet, he (Sir J. W. Hogg) did not know what an assurance was. The right hon. Gentleman must himself have understood it as an assurance, for, in conformity with it, he brought in a Bill, which, however, he afterwards withdrew without any explanation or previous communication with the public. Hon. Gentlemen ought to remember that the police force were sent into all parts of England whenever an exigency arose requiring their services, therefore the payment out of the Consolidated Fund was perfectly justified. But he asked why did not the Government see that a new assessment of Surrey, of Kent, and of Essex, was proceeded with, in order that justice might be done to all?

Sir G. GREY said, more was paid towards the maintenance of the police force out of the Consolidated Fund than would cover the expense of sending them throughout the country upon some occasions. But that was not the question; because, whatever expense was incurred in sending the police to any part of the country, it was always charged to and paid by the locality. Since the hon. Member for Beverley had complained of the assessment upon the part of the parish of St. George, Hanover Square, he would only mention that until the new assessment of Middlesex, two years ago, the two wealthiest parishes, St. James and St. George, Hanover Square, paid the least in rates of any parish in the county—they were greatly undervalued, as compared with the eastern parishes.

Lord DUDLEY STUART replied: He contended that the explanation given by the right hon. Gentleman the Home Secretary, with regard to the police being sent to different parts of the country, was not satisfactory, because though their expenses were paid when they were on country expeditions, still the fact of their being so sent about rendered the employment of a larger force necessary than would otherwise be required. He had not meant to charge them as a body with gross misconduct, but what he said was, that they were not so perfect and efficient a force as they might be. At any rate, whether supported in that particular or not, he still contended that the inhabitants of the metropolis were unjustly taxed. He had the greatest deference for his hon. Friend the Member for Montrose; but as no hope had been held out to him that the Committee would be appointed at another time if he now withdrew his Motion, he felt that he should not be doing his duty if he did not press it to a division.

Lord R. GROSVENOR regretted that his noble Friend had not followed the judicious advice of his hon. Friend the Member for Montrose. However, if his noble Friend divided, he should divide with him, although not on the grounds which his noble Friend had himself advanced.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 28; Noes 137: Majority 109.

List of the Ayes.

Bagshaw, J.
Colville, C. R.
Evans, Sir De L.
Fitzroy, hon. H.
Forster, M.
Fox, W. J.
Grosvenor, Lord R.
Hanmer, Sir J.
Henry, A.
Hogg, Sir J. W.
Hornby, J.
Hume, J.
Jolliffe, Sir W. G. H.
King, hon. P. J. L.
Lushington, C.
Martin, J.
Muntz, G. F.
O'Connor, F.
Pechell, Capt.
Ricardo, J. L.
Scholefield, W.
Sidney, Ald.
Thompson, Col.
Thompson, G.
Waddington, H. S.
Walmsley, Sir J.

Williams, J.
Wyld, J.

TELLERS.

Stuart, Lord D.
Osborne, R. B.

List of the NOES.

Adderley, C. B.
Baillie, H. J.
Baldock, E. H.
Baring, rt. hon. Sir F. T.
Baring, T.
Barnard, E. G.
Barrington, Visc.
Barron, Sir H. W.
Bass, M. T.
Bellew, R. M.
Bentinck Lord H.
Beresford W.
Berkeley, hon. Capt.
Bernal, R.
Birch, Sir T. B.
Boyle, hon. Col.
Bremridge, R.
Bromley, R.
Brotherton, J.
Brown, W.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Busfeild, W.
Campbell, hon. W. F.
Cardwell, E.
Cavendish, hon. G. H.
Charteris, hon. F.
Christopher, R. A.
Christy, S.
Clay, J.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Compton, H. C.
Cowper, hon. W. F.
Disraeli, B.
Divett, E.
Dodd, G.
Douglas, Sir C.
Duckworth, Sir J. T. B.
Duncan, G.
Duncombe, hon. O.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Edwards, H.
Ellis, J.
Elliot, hon. J. E.
Farnham, E. B.
Farrer, J.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J. W.
Foley, J. H. H.
Fortescue, hon. J. W.
Galway, Visc.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greene, T.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Hallyburton, Lord J. F.
Hamilton, G. A.
Harris, R.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Heald, J.
Heathcote, G. J.
Heywood, J.
Heyworth, L.
Hodges, T. L.
Hood, Sir A.
Hotham, Lord
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. J. K.
Howard, hon. E. G. G.
Jervis, Sir J.
Jocelyn, Visc.
Ker, R.
Kershaw, J.
Knox, Col.
Lacy, H. C.
Lascelles, hon. W. S.
Lewis, G. C.
Lindsay, hon. Col.
Littleton, hon. E. R.
Mackinnon, W. A.
M'Gregor, J.
M'Taggart, Sir J.
March, Earl of
Maule, rt. hon. F.
Meux, Sir H.
Milnes, R. M.
Molesworth, Sir W.
Morris, D.
Mundy, W.
Napier, J.
Norreys, Lord
O'Brien, J.
Ossulston, Lord
Oswald, A.
Parker, J.
Pilkington, J.
Plumptre, J. P.
Price, Sir R.
Ricardo, O.
Rich, H.
Richards, R.
Romilly, Sir J.
Rumbold, C. E.
Russell, Lord J.
Russell, hon. E. S.
Rutherfurd, A.
Seaham, Visc.
Sheil, rt. hon. R. L.
Sheridan, R. B.
Slaney, R. A.
Smyth, J. G.
Somerville, rt. hn. Sir W.
Stafford, A.
Stanley, hon. E. H.
Strickland, Sir G.
Thornely, T.
Trollope, Sir J.
Tynte, Col. C. J. K.
Vesey, hon. T.
Villiers, Visc.
Vivian, J. E.
Vyse, R. H. R. H.
Watkins, Col. L.
Wilson, J.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.

Hill, Lord M.
Craig, G.

Words added.

Main Question, as amended, put and agreed to.

THE PEOPLE'S CHARTER.

MR. F. O'CONNOR rose to bring forward the Motion of which he had given notice. He was perfectly aware of the disadvantage under which he laboured when submitting this great question to the House of Commons; but, at the same time, he believed that it was the duty of that House to discuss every question which agitated the public mind out of doors. If there was anything erroneous in the principles which he enunciated, it was the duty of the Government to oppose them by sound arguments—to show that they were the mere Utopian theories of an excited fancy, and not to attempt to crush them by ridicule or force. Many applications had been made to him to withdraw his Motion for the present, to enable the hon. Member for Buckinghamshire to proceed with the debate on the state of the nation. He could not consent to such a course, however; more particularly after the statement of the hon. Member himself, than a great alteration in the legislation of this country was required, in order to do justice to all classes of the people in this country. Many hon. Gentlemen supposed that he was going to make a fierce and discursive speech. It was not his intention to make any such speech. He had heard many speeches made in the House, by the noble Lord at the head of the Government amongst the rest, and by the Secretary of State for the Home Department, giving a preference for his principles as compared with the principles of the hon. Member for Montrose. Last Session the noble Lord expressed his preference for his principles. He had no hope that the noble Lord would support those principles to-night, or that the Secretary of State for the Home Department would support them. He thought that every system adopted by the majority of the people should be discussed sessionally in the House. He presumed the noble Lord had not forgotten the forty-three years of continuous agitation for reform; he had not forgotten the means which were resorted to to enlist the people on behalf of that measure; and, above all, he would not forget the great hopes held out to the people when that measure was achieved. Not one of those social changes or benefits that were to be produced by reform had been conceded to the working classes, but this House was more divided than ever it was before into classes repugnant to the rights and interests of the working classes. Every hon. Member must be aware that the House was now divided into classes. The interests of officers in the Army and Navy, merchants, manufacturers, shopkeepers, and last, not least in their own belief, lawyers, were repugnant to the interests of the working classes; whereas they all lived on the proceeds of their labour. There was one passage in the speech of the hon. Member for Buckinghamshire which astonished and alarmed him last night—namely, when he claimed to illustrate the labour question, he said he did not mean labour, but the protection of the profits of those who made profits by the labourer. His proposition was of a different character: it was to give to the labourer the fruits of his own industry. If labour was fairly represented in the House, it must result in the advantage of all other classes. The labour question was convulsing the whole of Europe: every country was asking for the proper development of the labour question; and it could not be developed if the wrongs of labour and if the rights and privileges of labour were concealed from those who represented labour in that House. He was aware that the state of the Continent might be urged against concession to the working classes of this country at this moment; but he contended that France was the strongest argument in favour of his proposition, because there had been three elections in Paris—two for the Assembly and one for President—without one single convulsion in the country. There was another thing with regard to France—namely, that the expression of public opinion was totally forbidden; but public opinion had not been suppressed in this country, and you could not urge the people to impetuosity and violence. He should not detain the House long with his proposition; it was likely that he might be without a House before he concluded; but he believed the noble Lord and the Government would not lend themselves to such a mode of getting rid of his proposition. He would analyse the several points of his proposition, and if they were not susceptible of argument, let the wisdom of the House expose them; and people out of doors, if they found they had been deceived, would give up their theories and remain under the constitution as it was at present. He would apprise the Government that reformation did not mean revolution; but withholding reformation very often led to revolution. As to the three great measures of Roman Catholic emancipation, reform, and free trade—if there had been a modicum of justice to the Catholics, emancipation might have been deferred—if Old Sarum and other boroughs had been disfranchised, and some of the larger boroughs enfranchised, the Reform Bill might have been deferred for some time; and so with regard to free trade. His proposition was founded on the original Charter, as drawn up by Daniel O'Connell, signed by four or five Members of the House—amongst them, by the hon. Member for Rochdale, who did not shrink from the avowal of these principles, by Mr. Roebuck, Mr. Hindley, and others. It spoke rather in disparaging terms of annual, and preferred triennial Parliaments; but it did not repudiate them. If he were asked which of the six points of the Charter he preferred, he should say annual Parliaments, for then hon. Members could settle annual accounts with their constituents. On a former occasion, the noble Lord had stated that since the passing of the Reform Bill there had been elections every two years and a half. It was so, but in those two years of legislation the representatives of the people were not aware that the Session would break down, and it was only towards the close of the Session that those who had been most subservient, invariably catered for support by voting for some popular measure. What he contended for was, that all men who were returned to the House should not be delegates, but the representatives of the mind of the constituency. There was one very important fact connected with this question of annual Parliaments, and it was strongly developed last year as regarded Ireland, and commercial distress. He believed it was an admitted fact that many who had votes in 1847 had lost those votes in consequence of pauperism. So that you had representatives representing bankrupt electors, dead electors, and pauper electors? Could that be the case if they had sessional Parliaments? There was one great object which would be attained by the adoption of annual Parliaments, and it was this: you legislated for the mind of the day. In this age of rapid progress, when the mind travelled by electric telegraph, he asked whether those persons who were returned at the commencement of a septennial Parliament to make laws in consonance with the opinions of the day, should not be guided by the opinions of their constituents before the seven years had passed away ? He recollected that two hon. Members for Sheffield, as soon as they had violated the hopes of their constituents, were asked by all those who voted for them to surrender their seats, because they did not represent the different mind of the same constituency. Every one was aware that the man who entertained the opinions which he held seven years ago, would be looked upon as a man living behind his time. The Reform Bill had been a total failure. What the people said now was, that they must have that particular franchise which would confer the greatest social changes which the improved mind of the country required. He was told that annual Parliaments would lead to annual confusion. No man discharged a good servant, no one could be compelled to keep a bad one in his service, and a constituency ought to be represented by one who was able to discharge his duties faithfully. He complained of hon. Members who, having made a famous hustings speech in favour of reform, turned round, when returned, upon their constituents, and told them that a false construction had been put upon their promises. He rose on the present occasion under unfortunate circumstances, not being backed, as in the previous year, by a monster petition. But let not Ministers think that the people had given up the cause of the Charter, because they did not petition. The fact was, that they declined, in consequence of the disgusting manner in which their petitions had previously been treated. He had that morning received a letter from Birmingham, in which it was stated that the people had determined upon petitioning no more, but would "bide their time." The noble First Lord of the Treasury had taunted the hon. Member for Montrose with the fact that he had no petitions to support him; but he (Mr. O'Connor) was happy to inform that hon. Member that his cause was making great way outside that House. He tendered to the hon. Member his sincere thanks for the manner in which he had taken up the cause of the people. The noble Lord laughed to scorn the petitions of the people ; but he warned the noble Lord against attaching too much importance to the lack of petitions. That absence was a consequence of the absence of trust, of hope, or of confidence in that House, and not of any apathy on the part of the people as to their just claims. Any man who had ever advocated liberal principles in Parliament, knew the difficulties with which hon. Members had to contend out of doors. When the people were in employment they could not be aroused to demand their political rights; but as soon as they found themselves without employment, or working at insufficient wages, they said, "Lead us on ; we are ready for death or the Charter." If the Government were wise, instead of arousing the people to fury, and then coercing them to keep them quiet, they would endeavour, at a period of tranquillity, to make of society one harmonious whole. Charles James Fox and the Duke of Richmond, in 1780, advocated every point in the Charter ; but when Mr. Fox was in power he brought in a Bill preventing Government contractors from sitting in that House, saying, "There is your Charter ; that is what I promised you." It was said that the people were too ignorant to be enfranchised. In France the people were more ignorant, and they were not so well prepared for the exercise of political rights, because no public discussion had been allowed in that country. But the people of France, he was prepared to contend, had exercised their political privileges wisely. He asserted that no people were so advanced in political knowledge as the people of England ; but if want of education were any charge or ground of disability or disqualification, upon whom ought the blame, sin, crime, and inequality to rest, but on the Government, whose primary duty it was to look to the education of the people, and who were answerable for this disqualification. In France you could lead the minds of the people after utopias, theories, and airy and metaphysical nothings; but in England you could not do this, and all the legal prosecutions that the Attorney General might institute would never put them down in the pursuit of their political rights. The people would never look for any thing short of the People's Charter, whole and entire; and he did not believe that the House would be disgraced, or the character of its Members would be lowered, if the working classes were admitted to their fair share of political power. The people might then be relied upon to defend the institutions of the country. Every hamlet would become a sentry-box, and every peasant a volunteer, for all would have an interest in defending the constitution. With respect to the ballot, although he had voted for it, he could hardly say he approved of it, while the constituencies were so restricted as at present. The clubs had been quoted in its favour; but it should be recollected that in the clubs every member had a vote. If there were only 100 votes out of 600 Members, the working of the ballot might not be so satisfactory as at present. [An Hon. MEMBER here moved that the House be counted. The gallery was accordingly cleared, but exactly forty Members being present, the gallery was reopened.] He must complain of the discourtesy by which the debate was attempted to be cushioned—a discourtesy of which he himself had never been guilty. With respect to electoral districts, he would not entangle the question by putting forward any specific plan. He would content himself with alluding to a digest he had prepared of the various electoral bodies in England, by which it appeared that for thirteen of the first-class towns, from London to Birmingham, with a population of 2,748,890, there were only 28 Members, while 18 towns, with a population of 116,891, returned 25 Members. Again, he found that 34 places, with a population under half a million, returned 59 Members. With these facts before it, the House could hardly deny that some change in the arrangement of electoral districts was called for. The right hon. Secretary for the Home Department had asked him how he proposed to alter the present system. His answer was, that he was determined to bring forward no scheme which might create antagonism in the liberal party. He would merely remind the House that the inequality of the electoral districts had caused the Reform Bill. Then, Old Sarum was contrasted with Birmingham; and similar comparisons might be made now, if a more equitable arrangement were not conceded. The noble Lord at the head of the Government was continually boasting of the loyalty of the people. If he believed them to be loyal, why not trust them more extensively with the franchise? He came next to the question of the property qualification. He did not see why that should be so vigorously resisted, seeing that there were already 53 Members in that House from whom no property qualification was required. The Scotch borough Members did not qualify, nor the Members for the Universities, the latter being the most prejudiced and bigoted men in the House. Why, then, persist in requiring it from English and Irish Members? The noble Lord the Prime Minister could sit there as the representative of the great and wealthy metropolis of London, with a qualification of 300*l.* a year; but the Member for a starving county in Ireland must possess a qualification of 600*l.* a year. Was there any justice in that? He did not allude to the noble Lord with any view to his disparagement; on the contrary, he was happy to see the noble Lord in the position he occupied as the representative of that great city; and he was also happy to hear that his late colleague (Baron Rothschild) had been again returned that day. Then with regard to Scotland, though the voter must possess a qualification, the Member might sit in Parliament though he were shoeless. Was it possible, then, for any system to be devised more replete with contradictions and absurdities than that which related to the qualification of Members? He was referring to these things to show the necessity of making some concession to popular opinion. Before long that House must be the reflex of public opinion—it was impossible that it could maintain its present course of pandering to the upper classes, to the exclusion of the claims of the working man; and was it not better for the interests of all that justice should be conceded by the voluntary act of the House themselves, than that it should be forced upon them by the voice of popular indignation? He now came to the last of his propositions—the payment of Members. That the labourer was worthy of his hire was applicable in this as in all other matters. And if he needed an example to justify this proposition, he need only point to the Treasury benches, the noble and right hon. Members who occupied which received as much in salaries from the State as would be sufficient to qualify the representatives of 321 citizen boroughs. With this fact before them, was it not a mockery to tell them that it was derogatory for Members to receive payment for their services? The working classes of this country who advocated the six points of the Charter, had been sadly maligned. It had been alleged against them that they desired spoliation; but to their credit be it said, they had resisted every agitator, every demagogue, who would teach them that the land of the country was common property. It was his object, as it was that of the thousands he represented, to benefit, not themselves only, but all classes, by a better application of the industry of the country, and a more complete development of its resources. While he saw this country looking across the Atlantic for supplies of food, while millions of acres of land here were lying waste and uncultivated, and hundreds of thousands of our labourers were unemployed, he must say that some change in our Legislature, some change in the constitution of the Legislature, was necessary. Talk not to him of the ignorance of the working classes. If they were ignorant, who was to blame? He had more acquaintance with the working classes than any man who had ever gone before, or who would ever come after him. Yes, he had met them in all places, and under every variety of circumstance, and he had never heard a working man make use of an indecent or obscene word. Let hon. Gentlemen who did not mix with them as he did go amongst the working men at their meetings, and they would be surprised at the good sense, the eloquence, and the sincerity they would there meet with. Why, then, should persons who so conducted themselves not have a share in the representation? There was no danger that they would choose improper persons. For their own sakes they would, if they had the franchise, elect those who would make the fittest representatives. Then the best security for the good conduct of the lower classes would be to clothe them with the responsibility of the franchise. He complained that the voice of the people now was in a great measure stifled by the press in this country as well as on the Continent. Free-trade and other meetings of the middle and upper classes were reported and commented on by the newspapers; but if a meeting of 300,000 working men took place to advocate the People's Charter, it was described as a gathering of the rabble, or an assembling of boys, thieves, and pickpockets. It was impossible to get at the truth from the newpaper accounts. It was the same with regard to the foreign news. In the foreign news of the *Times*, the events on the Continent, which showed the actual feeling of the people, the progress of popular opinion everywhere towards free institutions, were either perverted or oppressed. Whole nations, who were struggling for freedom, were described by the *Times*, first as merely insurrectionary, then as a body of insurgents, and afterwards, when they became strong enough to make their power felt, they were elevated into "the democratic party." In one morning paper, he was happy to say, it was not so. If they read the correspondence of the *Daily News*, they would there see the mind of the people foreshadowed. There they would see what the people really thought, and what they were really doing. But the object of the *Times* seemed to be to keep them in ignorance of the truth until it should burst upon them like a clap of thunder. Yet what was more necessary than that the Government and the Legislature should possess a thorough knowledge of the feelings and wishes of the people; and what greater vice could there be than the withholding or concealing such knowledge? He had seen much of the working classes, and had done much for them, and never had he sought either fee or reward. All his services had been performed gratuitously. When the hon. Gentleman opposite, the Member for the city of Limerick, stood for Youghal, he had laboured most assiduously, night and day, to promote his election, and had spared neither time nor expense in that work, but he had not charged a single sixpence even for expenses, though it would be admitted that he was greatly instrumental in securing the return of the hon. Gentleman. [Mr. J. O'CONNELL: No, no!] He had, however, received the thanks and the gratitude of the hon. Member's father for the services he had rendered on that occasion. He had never in his life attended a secret meeting; he never wrote a private letter on politics, nor had he ever done anything that he would be ashamed to do in open day. The cause he now advocated might have been brought forward by others with greater force, but by none possessing more of the honest confidence of the working classes than he did. He proposed this Motion as an independent Motion; he had shown that the construction of the House of Commons was not in harmony with the opinions of the people; he had shown how they might develop the resources of the country, give employment to labour, and destroy a powerful and dangerous antagonism; and in expressing his determination to agitate a question which, after all, was but the recapitulation of the principles of the Whig party previous to the Reform Bill, without going so far as to say that he would die on the floor of the House, he promised that, whether in the House or out of it, spite of persecution or prosecution, he would never, until that question was carried, cease to advocate the People's Charter, and no surrender.

Motion made, and Question put—

> "That this House, recognising the great principle that labour is the source of all wealth, that the people are the only legitimate source of power, that the labourer should be the first partaker of the fruits of his own industry, that taxation without representation is tyranny, and should be resisted, and believing that the resources of the Country would be best developed by laws made by representatives chosen by the labouring classes in conjunction with thore who live by other industrial pursuits; that (in recognition of the above great truths) this House adopts the principles embodied in the document entitled The People's Charter, namely, Annual Elections, Universal Suffrage, Vote by Ballot, equal Electoral Districts, no Property Qualification, and Payment of Members."

Mr. SHARMAN CRAWFORD seconded the Motion.

Colonel THOMPSON said, that as one of those who were concerned in the modern origin of the Charter, he should, he thought, incur just blame if he allowed the debate to go over without offering a few words to express his reasons for supporting the Motion. In doing so, he must admit that he took a wide and diffusive view of the subject. He did not consider himself bound either to this part of it or that, but he looked to see in what direction the current of the Motion tended, and believing it to be generally good, he voted for it. If he voted for annual Parliaments, it might be his opinion that this was a just and reasonable thing; and he had no hesitation in saying that he preferred annual Parliaments if they were practicable, but if it should be found that they were not, he did not consider that he was in any way bound on that subject. There was one of the six points which he certainly looked upon as an excrescence—no part in the adoption of that could be charged to the modern authors of the Charter, to whom he had the honour to belong. He referred to the payment of Members. That was no child of theirs, but had been invented since, and he could not involve himself in any promise to support it. With regard to the Ballot, he thought it would be a highly useful adjunct to purity of election, and he knew of nothing that would give more relief to a large and meritorious body of electors in the kingdom. Members were not bound by voting for the Motion to all these several points; but it appeared to him that the constituencies, seeing such a Motion on the Paper, would naturally ask, "Did our representatives give that general support to the advancement of political and popular freedom which we had a right to expect from them, or did they not?" They would not enter into the reasons of their representatives for dissenting from this point or that, but would look to the division list to ascertain whether they supported generally a proposition brought before them for the extension of the franchise.

Mr. HUME would vote for the Motion. He denied that any odium attached to the Charter, or to those who advocated popular rights in a candid and constitutional spirit. He desired to see the principles of reform fully and fairly extended, and believed that reform, to be efficient, must be made conformable to the feelings of the country. He had ever advocated the right of every man to be represented in the Legislature; and he could distinctly recollect that 25 years ago there was an excellent toast at popular Whig meetings and dinners—namely, "The People: the source of all legitimate power." He was opposed to taxation without representation, which he with many others considered tyranny, and he was pleased beyond measure to find that those out of doors who had heretofore rendered reform unpopular, and checked its progress, were now engaged in meeting the wishes of the people by endeavouring to obtain for them their just rights. He confessed that he should prefer his own more limited Motion to the one now submitted by the hon. Member for Nottingham; but when he saw the present Government, who ought to be progressive in their movements, standing still and refusing to advance a single step, he had no hesitation in voting for an extensive proposition of the present kind. He thought the Government ought not to act in ignorance of the strong feeling entertained out of doors relative to the limited extent of the representation. He hoped the time was coming when the middle-class electors, seeing that all those measures were now rejected which had for their object a reduction of the national expenditure and the promotion of good government, would demand a change in the constitution of the House. He was happy to say that, during the whole course of his acquaintance with the working classes, he had never heard them advocate anything approaching to violence. He had heard noble Lords and hon. Members declaring that the time might come when the sponge would have to be applied to public property; but never had he listened to any such sentiment escaping from the lips of the working men of England. On the contrary, a more honest, disinterested, and, he would add, intelligent class of men he had never met. He believed they would ever be found reasonable in their demands, and in every respect entitled to obtain and exercise the rights of freemen. England should recollect that she owed her greatness to the labours of her artisans, the very men who were now considered incapable and unworthy of being brought within the pale of the constitution. Surely, in order to be an Englishman, a man ought not to be slave. And yet there were four or five millions of men, of adult age, the very strength and sinew of the country, who were still held to be disentitled to the privileges of the State. These men were loyal; they felt themselves degraded by the stamp of inferiority having been branded upon them; they were kept at bay and excluded from their just rights upon the ground of unworthiness. He was anxious that Her Majesty's Government should make these men as contented as they were now dissatisfied, by admitting them within the pale of the constitution. The noble Lord at the head of the Government was looked upon as a great reformer; now that he had the power, let him carry out those principles of which, for so many years, he had professed himself to be so warm a supporter. Let not others be allowed to do what he might now accomplish with so much facility and grace. Let him, as a friend to popular and religious freedom, do justice to the people by at once bringing them within the pale of the constitution.

Mr. M. J. O'CONNELL said, he could not agree with either of the hon. Gentlemen in supporting the Motion, and he did not think the arguments of either of them went the full length of the Charter. To two of the principles advocated in the Motion he subscribed, namely, to the abolition of qualification for Members, and vote by ballot. The question of annual Parliaments he would leave to the speeches of the hon. Gentlemen who had spoken. Universal suffrage, in the present state of society, and without further enlightenment of the people, would be most dangerous and injurious. He was opposed to equal electoral divisions, as artificially interfering with the old ties that bound a man to his county or his borough; but he was at the same time desirous of seeing the existing inequality of constituencies greatly modified. With regard to the suffrage, he was anxious to express his decided opinion that the safest and most conservative measure which the Governmeat could adopt, would be a large extension of the franchise. After what we had seen abroad, of ancient dynasties being overturned, and established Governments withering away like Jonah's gourd, it was essential, in a country like this, that measures should be taken whilst the public mind was calm, to admit within the pale of the franchise those large bodies of intelligent and industrious men who were now excluded from it. Whatever might be the faults of the Reform Bill, it was a great blessing to the country that it had passed. The main fault of that measure was, that it gave the franchise upon a system of a too philosophical character. The attempt to make it uniform had not been successful, whilst it had been followed by injurious disproportions. Any one who knew what a ten-pound house was in a large city, compared with a house of the same rent in a small borough, whether in England, Scotland, or Ireland, need not be reminded of the utter absence of uniformity. The effect of it had been to throw all power into the hands of one class, and to exclude the class below them, who were no less enlightened, nor less deserving—he meant the working classes. The noble Lord at the head of the Government, in his speech upon this question last year, alluded to the establishment of guilds in large towns, whereby to bring the working classes into the enjoyment of the franchise, in addition to the present constituencies. He (Mr. M. J. O'Connell) recommended the noble Lord not to lose sight of that object, nor to miss the opportunity of adding to his character as an extender of the franchise to the middle classes the additional lustre of conferring the same boon upon the working classes.

Mr. G. THOMPSON did not anticipate any practical result from the Motion of the hon. Gentleman the Member for Nottingham, but he felt that it was important, whenever a fitting occasion offered, that there should be, for the sake of the Members within the walls of that House and for the country outside, a judicious discussion on that great national question—a change in the representative system of the empire. He had observed in that House a retrograde instead of a progressive movement on the part of its Members—he had observed that they had offered a firm and continued resistance to everything having a tendency to enlarge the political rights of the people. Every declaration made by the noble Lord at the head of Her Majesty's Government was more emphatic than the last—that nothing was to be expected from him. [Lord J. RUSSELL: No, no!] The noble Lord held power on a condition imposed so far back as November, 1837, that condition being that he would never disturb the Reform Bill of 1832; and although the noble Lord did not deny that some change in the representative system would be desirable, it could not be expected that the noble Lord would be the originator of any measure of reform in the system—that he would even give his support as a Member of that House to any such measure—much less that he would lend it his sanction. [Lord J. RUSSELL: No, no!] It was therefore time, instead of making any appeal to the noble Lord—which was going on a broken system, expecting to gather grapes from thorns, or figs from thistles—that the House should see whether they would not take into their serious consideration the necessary enlargement of the number of those who had the privilege of sending Members to that House. Now there were some facts connected with this question which did not admit of debate. It was not a matter for debate whether the population of the united kingdom amounted to 28,000,000—it was not a matter for debate that they were as virtuous, as religious, and as orderly a population as any on the face of the globe—it was not a matter of debate that when, on the 10th of April, they were threatened with an invasion of London, there was no disturbance—no breach of order on the part of those who met in large numbers on Kennington Common, although a collision might have occurred in consequence of the arrangements made by the Government between an armed police and a peaceable people—it was not a matter for debate that a committee of noblemen and gentlemen of influence assembled shortly afterwards for the purpose of expressing their approbation of, and of bearing testimony to, the loyalty of those working classes—yet those very classes who had received this unequivocal acknowledgment were the parties of whom the hon. Member for Kerry was afraid—of whom the Members of Her Majesty's Government were afraid—and whom that House, in its collective capacity, held unworthy of an increased franchise. It was not a debateable question that though, as he had stated, the population of the united kingdom amounted to 28,000,000, there was but 1,000,000, or less, on the registry; and that, owing to double votes and other circumstances, there were not on the registry, at any one time, more than 800,000 persons. That he thought was a remarkable fact, and a libel on the intelligence of the country. Yet was there no country which could be so safely intrusted with an extended franchise. Never was there a country the population of which was more subject to all those influences which would lead them to make a right use of any additional powers conferred on them. But if there were only 1,000,000 of electors out of a population of 28,000,000, what was the spectacle which was witnessed in regard to the manner in which the right of franchise was distributed? In the borough which he had the honour to represent (the Tower Hamlets), there were when he was elected 19,350 persons having the right to vote, who sent two Members to Parliament. He found that there were 58 towns having a population of 19,882, which sent 82 Members to the House. The gross population of the Tower Hamlets, having the right to send two Members to Parliament, was 419,730; whereas he found by the list that 65 English towns, having a population of 419,259, had a right to send 93 representatives to that House. That was a monstrous anomaly, of which the people were aware, and wanted to see corrected. He held that every argument used by the noble Lord at the head of affairs, and by other Members of his Government, in 1832, were equally applicable now. Was the noble Lord an enemy of nomination? So was he (Mr. Thompson) and others who held the same opinions. Was the noble Lord an enemy of bribery and corruption at elections? So were they. Did he (Mr. Thompson) put a question "Were there any nominations at elections for boroughs?" the answer would be in the affirmative. Looking at the list moved for by his hon. Friend the Member for Marylebone, he found the words "no contest"—"no contest"—"no contest" placed opposite such and boroughs. Those were the nomination boroughs; but if they took up the list of those which were not, strictly speaking, nomination boroughs, they would find they were nevertheless in the market. The man who would not or dared not make an appeal to a liberal and enlightened constituency betook himself to some club not 500 yards from where they were sitting, and there entered into a contract with a man acknowledged to be a trafficker in boroughs and in seats in that House. An agreement was entered into as to what that trafficker in seats would take, fees included, and an hon. Member took his seat. The House was aware that such practices were constantly resorted to; but the question then arose, how were those boroughs managed? It was well known, that there were within them a corrupt few, who held the balance of power in their hands, and it was not the honest Conservatives, nor the honest Liberals, who returned their Member. He would not support any measure, by which any party would be precluded from returning a representative of their choice, and one who would be the exponent of their views. He would have no objection, that Gentlemen on the other side of the House, should appeal to the country on the question of changing the policy of the late and the present Administration, during past years, provided that the appeal were made to the sense and understanding of the entire people of the country. But to return to his subject—to put an end to such matters as he had alluded to, the noble Lord at the head of the Government, and those Members of the Cabinet who had voted with him, had introduced the Reform Bill; but there was not a single abuse which that noble Lord had exposed—which that noble Lord had denounced, and for the suppression of which the Bill had been framed—which was not as rife now as then. There was, at borough elections, the same interference by Peers of the realm—there was the same bribery, and the same intimidation—there was naught which led to the Reform Bill seventeen years ago, which did not exist in superior force now. But, since that period, things had improved. There was now a favourable disposition amongst the working classes to come before that House—even in the person of the humble individual who addressed them—to make an appeal, and to express their readiness to accept even an instalment of that which they believed to be their due. He would bear testimony, with the hon. Member for Nottingham, that there were elements for making that House what it was designed to be by their constitution, and that there was no fear of improper representatives being sent to it by the largest extension of the franchise. The population of the country had greatly increased, there had been a great increase in the education of the people. Perhaps the hon. Member for Kerry had referred to his own country when he spoke of the want of education which existed, and expressed a wish for a further enlightenment of the people. If the hon. Member spoke of the English nation, he begged to deny the hon. Gentleman's statement. There was not in England as great an amount of moral and religious education as he could desire; but there was enough to give ample security that the extension of the franchise would not be abused. The men who were esteemed by their employers, and trusted by them, to any extent, in all the affairs of human life, were the men who were denied the right conferred on the native Irishman, twenty-four hours after he had landed in New York. The noble Lord at the head of Her Majesty's Government, had the gratitude of the country for having passed the Reform Bill; it would be more than man could say, how much evil had been arrested by the timely passing of such an Act. He would ask the noble Lord if he had ever regretted that he had enfranchised Manchester, Glasgow, Birmingham, and other large and important towns? He would ask if there had ever been any petition from those towns—had there ever been any of those disgraceful electioneering scenes there of which they had evidence as having taken place in such towns as Bewdley, Harwich, Horsham, and Lyme Regis? The former were large and important towns; but it was in the small towns that scenes occurred so disgraceful as to cause to be laid on that table piles of volumes, the effect of which was to make every one desire to see an efficient change in the representative system of the country. He asked the House to recognise the right of the people to an extended franchise. The people were aware that they had no hope that there would be any change in affairs unless the representative franchise was increased, and he believed that they were making a great rally to effect that object. It was his full and earnest belief that in seeking to promote that measure, it was one of a truly loyal and conservative character; and if he indulged in any fears that convulsions would take place which would shake the constitution of their country, it was not when he contemplated that the people were brought within the pale, but the events which might be occasioned were they kept without it. Believing that the constitution would be maintained in its integrity when the people were possessed of their indubitable right to an extended suffrage, he would support the Motion of his hon. Friend the Member for Nottingham—but without committing himself to all the details—in the hope that it would lead to some beneficial result.

MR. CAMPBELL rose as a supporter of the noble Lord at the head of the Government, to deliver such an answer to the Motion of the hon. Member for Nottingham, as the debate, wholly unexciting as it was, appeared to call for—an answer he had not carefully considered, as he came down intending to speak, if at all, upon the Motion of the hon. Member for Buckinghamshire, but which, as it was present to the mind of every educated Englishman, there was no great hazard or presumption in delivering at so short a notice. Whoever proposed to plunge the British empire into a system of immediate, complete, and irreversible democracy, must prove one of two things: either that democracy was in itself, and viewed generally, a good form of government; or that, if conceded in the abstract to be false, pernicious, and degrading, the peculiar features of the British empire rendered safe and tolerable there, what in other countries was precisely the reverse of tolerable, and precisely the reverse of safe. The hon. Member for Nottingham had not accomplished one condition or the other. He had neither weakened the authority nor combated the doctrines of the various illustrious men by whom it had been shown that supreme power ought not to be consigned to the numerical majority, or referred to a single institution; or which rendered England an appropriate victim of so subtle, so stern, and so nakedly exposed a tyranny. He had, however, advanced one most extraordinary argument, namely, that because Roman Catholic Emancipation, the Reform Bill, and Free Trade, had all been legislative failures, it was requisite to introduce a scheme of Annual Parliaments and Universal Suffrage to amend them. He (Mr. Campbell) denied that those three measures had been failures. Each had answered its intention. The first had averted civil war; the second had prevented revolution; the third had cheapened bread and mitigated famine. If because these measures, conformable to popular desires, and defensible by solid arguments, had led to no good result, was it rational or prudent to infer that another vast scheme, which was not conformable to popular desires, or defensible by any argument whatever, was entitled to the sanction of the House, or essential to the welfare of the country? The hon. Gentleman then briefly stated the main argument against Chartism in the minds of thinking men, familiar as it must be to the thoughts of every one present, namely, that inasmuch as Chartism engaged the support which it possessed among the working classes, by the promise of higher wages, and inasmuch as none of its provisions had any tendency whatever to raise the price of labour, the disappointment which would follow its adoption must lead to a cry for the next delusive system by which it was proposed to solve the fearful problem—the problem of human misery. That system was Socialism. Socialism would then become, as it was in France, a topic of Parliamentary debate; and as such a state of things would be disastrous to the people, and degrading to the Legislature, he (Mr. Campbell) called upon the House of Commons to avert it, by their vote to-night. He should offer no remarks upon the speech which the hon. Member for the Tower Hamlets had delivered against the details of the Reform Bill, as it ought to have been made, if at all, upon the 5th of June, when it would no doubt have been satisfactorily answered, either by the noble Lord or some of his supporters. One startling fact had emerged to-night, which he could not pass without notice. The hon. Member for Montrose had appeared before them as a Chartist. Radical reform and Chartism had at length shaken hands in the House of Commons. The argument of the right hon. Baronet the Secretary for the Home Department, on the 5th of June, had been accepted by his adversaries. They no longer pretended that Chartism was not their goal, as they had when, in the first instance, they selected the Reform Bill as their starting post. The doubts which surrounded their real aims, and ultimate intentions, for the pleasure of going into the lobby with the hon. Member for Nottingham to-night, they—or at least their leader—had shown, if not the courage, the simplicity and candour to disperse. On this one result of the debate to-night, he (Mr. Campbell) would not scruple to congratulate the noble Lord, the House of Commons, and the country.

As he had risen to discharge a debt of courtesy to the hon. and learned Gentleman the Member for Nottingham, by adverting to some of his remarks, which could hardly be expected to command the attention of the noble Lord at the head of the Government, he (Mr. Campbell) had no doubt he should be forgiven by the House, for having ventured into the discussion at a moment when perhaps he was little qualified to do so.

Mr. SHARMAN CRAWFORD said, that the hon. Member for Nottingham having referred to him as one of those who had signed the document on which the Charter was founded, he was desirous of not giving a silent vote on this occasion. He was quite willing to avow having signed that document; and he would also avow that all his experience since then had confirmed him in the opinion that the true principles of public liberty were defined in it. His experience told him that the liberty of the people was not regarded in that House—that a farther reform of the Legislature was necessary—and that the principle set forth in the resolutions of the hon. Member were the true principles on which that reform ought to be established. But while saying this, he did not mean to state that he would be unwilling to accept of any qualification of these principles, which it would be possible to get public opinion to agree to. He was not one of those who wished to carry reform by force, or by any means except the influence of public opinion in its favour; and he was therefore willing to accept of even a portion of these measures in the first instance. But, above all, he thought that the great principle of reform should be an extension of the suffrage. In advocating these principles he did not consider that he was advocating any invasion on the constitution. He believed that he was only going back to the original principles of the constitution, which they had departed from, and which it was most desirable to restore. The resolution stated other preliminary doctrines that had his entire concurrence. It declared that labour was the source of all wealth, and it must be admitted that there was no wealth which was founded on labour. It also stated that the people were the source of all legitimate power; and how, he would ask, could there be legitimate power that was not conferred by the people through their representatives? The next proposition was also true, that the labourer was entitled to be the first partaker of the fruits of his own industry; for what could be more just than that the labourer should get a fair return for his labour? The next was, that taxation without representation was tyranny; and he would ask if that also was not a fair proposition? All these propositions met with his fullest concurrence; and he also thought that the mode of reform to be founded on them recommended in the resolution of the hon. and learned Member, was the true one to be adopted. He had presented a petition from the inhabitants of Rochdale that day, and they had instructed him to say that the reason why the petition had been signed by the chairman alone, was that the people had determined to send no more petitions to that House, because they had learned by experience that their petitions were totally and systematically disregarded. If the House by its vote to-night confirmed the people in this impression, they could not be surprised if hereafter there was a return to those scenes which they had before witnessed with so much regret.

Sir G. STRICKLAND had to express his regret at being obliged to address the House on this occasion, but he did not wish that his vote should be misunderstood. He believed that there was not an older reformer in the House, or one more anxious to extend the franchise, than he was. He had voted for the Motion of the hon. Member for Montrose; but after the declaration of his hon. Friend to-night, that he would vote for the Motion of the hon. Member for Nottingham, though he did not coincide in all the sentiments that the hon. Member had put forward, he felt that some explanation was necessary on his (Sir G. Strickland's) part in taking an opposite course. He entirely concurred with the hon. Member for Rochdale, that any reform adopted ought to be based on a large extension of the franchise. That was also the view expressed by the hon. Member for the Tower Hamlets, and yet that hon. Member also intended voting for the present Motion. He was as willing as either of these hon. Gentlemen to extend the franchise, and to place it on a higher and more extensive basis, and yet he intended taking an opposite side in the vote which he was about to give. He had been also a strenuous advocate for the ballot, as he thought it would relieve many honourable and conscientious persons who found themselves placed in a most embarrassed position at every election. He thought that it was a most odious and disgusting position for an honest shopkeeper to be placed in when he found that he could not give a conscientious vote at an election without exposing his family to ruin and distress. But the hon. Member for Nottingham had told them that he was not a friend to the ballot without getting at the same time the widest extension of the suffrage—a jump which he thought too wide to take at once. On these grounds he must vote against the Motion of the hon. Member for Nottingham, although there were many points on which he agreed with him.

Mr. W. J. FOX said, the hon. Baronet who had just spoken seemed to imagine that there was some extraordinary contrariety between the Motion now before the House, and that of the hon. Member for Montrose. But there was a bond of union between those two Motions much more important than any minute difference that could possibly be shown. They both aimed at one thing—at representation; and it was for representation, real, full, and fair, that he meant to give his vote that evening, as he gave it on a former occasion, when he went out into the lobby with the hon. Member for Montrose. It had been objected to this Motion that it was an abstract proposition, and also that it tied the House down by its adoption to a minuteness of detail which could not afterwards be altered. These two objections, though urged by the same hon. Member, seemed so radically in opposition to each other, as effectually to settle the question of the attention to which either of them was entitled. This proposition was only abstract in the sense of all important propositions. Every great measure of reform must originate in what was called an abstract proposition. It must be the assertion of a great and broad principle; yet he was not aware that, by the rules or custom of the House, it was precluded, after the adoption of such a Motion, from taking any liberty with the details of the measure, which must, of course, undergo regular discussion, and be liable to any amendment that might be applied to it. To some of the details he should most assuredly object when they came under discussion; but what he wished to support was Representation, which he took to be the principle of self-government to which every nation was entitled. It was the principle of the British constitution; but it was also that to which every nation was entitled when they had the opportunity of obtaining it. A great mistake and confusion had been made by the hon. Member for Cambridge, in representing the Motion as one for the adoption of extreme democracy. No two things could be more distinct than extreme democracy and representation. Representation was a sort of filter, yielding a result far above that which any individual of the elective mass might separately exhibit in his own person. People naturally looked out for something above themselves—for a candidate above themselves in situation, in intelligence, and in those qualities which would best ensure the object they had in view. Extreme democracy—the mere preponderance of a numerical majority, acting directly—was as unlike this as anything that could be conceived. It never had been a principle of the British constitution, nor of any constitution or form of government that was fated to last in the world. But representation was a result which mankind had arrived at after a long series of ages, which seemed to promise to realise, more than anything that could be devised, that union of popular influence and popular satisfaction with the exercise of practical wisdom and far-sighted views—a combination of which all the friends of good government must be most desirous. Towards such a combination this country had long been tending. The principles of the British constitution in their infancy, their germs, their primitive form, were to be found in our history at a very early period. But all those principles were of gradual development. The responsibility which was so marked a feature of government in this country—the toleration by which this nation was so honourably distinguished—these had been all gradual in their progress. They were principles of the constitution from the time that that constitution began to take a defined form, and show itself possessed and animated by a living power; but the full development of those principles was not in the past, but in the future. There also ought we to look for the full development of the principle of representation. It had been alleged as an argument against the adoption of the Motion, on the supposition that it was identical with extreme democracy, that this was a peculiarly unfit country for such government—that we had here an ancient monarchy, an ancient Church, an ancient aristocracy, and a large landed proprietary. Why, these were the very reasons which had necessitated representation in the government of these realms, and which showed the intense want of a popular principle, in order to create some balance to these mighty influences, identified as they were with classes of society who might occasionally have, or seem to have, interests not identical with those of the entire population. Not only was it plain that representation was the principle of the British constitution, but it was also matter of complaint that we had not yet arrived at its enjoyment. The House had heard, perhaps to weariness, calculations and statistics on that subject; but repetition was needful in such cases, and he could not help referring to the return moved for by the hon. Baronet the Member for Marylebone in the early part of the Session, giving the list of boroughs in England and Wales, with their population and the numbers of the constituencies. He had taken two groups of boroughs, one from the commencement of the document, the other from its termination, returning the same number of Members. The first 14 boroughs returned 20 Members; the last 9 boroughs returned 20 Members—precisely an equal share of the representation; but the voters in the first 14 were 3,449, in the last 9 they were 141,664. In the first group of 14 boroughs, he found a population of 67,329; in the other set of 9 boroughs, a population of 2,156,493. In the former of these two groups, each Member represented, on the average, 172 electors, and a population of but 3,336; in the latter, each Member represented 7,083 electors, and a population of 107,824. In point of fact, he found that at the last general election there were 36 Members returned to this House by contested elections, who were so returned by 5,024 voters only, or, on an average, each of the 36 by 144 electors. In each of these 36 cases the majority was under 200. In 16 of them it was less than 150; in three others it was under 100. In the face of anomalies like these, it was surely a burlesque to talk of the representation of the the people. But if the House looked at the element of property, in addition to that of numbers, it would find that 330 Members represented property to the amount of 6,200,000*l.*, and 328 other Members property to the amount of 78,800,000*l.* If such anomalies as these, glaring as they were, were not opposed to the feelings and opinions of the people, he was not prepared to say that it would be worth while to bring about their rectification at the price of those inconveniences which, to a certain extent, must always be attendant on any change of a great system that had been long in operation. But the feelings and opinions of the people were decidedly opposed to them; and there was an imperative necessity for their removal. Again, were the result of such a change as the people now called for to return only the self-same men who had been brought into Parliament under the existing system, he should contend that the experiment would be well made, and prove of infinite advantage and importance; because the people, feeling that they had at length a real voice in the election of their representatives, would pass at once from their present state of dissatisfaction to one of satisfaction. In this change alone there would be realised a signal benefit. The Government was a government of opinion; and, in truth so were all Governments; but ours was eminently such. Let the House, then, calmly reflect how disastrous must be the operation upon it of a sentiment of dissatisfaction at the state of our Parliamentary representation, which had been growing in strength for many years past, and was at this moment most intense. He could not avoid adverting to the means which this unregarded dissatisfaction at the conduct of the Legislature in withholding redress to other grievances, had compelled partisans of all parties to resort to, in the various schemes of combination after combination, agitation after agitation, which they had all witnessed both within and without the walls of that House. Those who would bestow confidence, if they had a full share in the representation, withheld that confidence when they had not such share. The exclusion produced an antagonistic bias, and created an unfriendly disposition of criticising the proceedings of that House; and a friendly disposition would be substituted by a general participation on the part of the people in the elective franchise. While every atom of discontent flowed to this centre, an agitation was kept up which gained strength and bitterness by the postponement of the required concession. Of all modes of government which ever existed, he thought that the very worst which to a certain extent had prevailed in this country—he meant the accomplishment of improvements only by means of agitation. It withdrew men's minds from the topics on which they might most wholesomely be employed, and created professional agitators—men who lived by that work, and were ready to stimulate the people for their own purposes. From time to time it occasioned a danger of breaches of the peace, caused bitterness between class and class, and utterly destroyed that unity of feeling which ought to exist between the representatives and the constituencies from which they emanated. He knew of nothing which could check this enormous evil except giving as widely as possible to the people a share in the nomination of the Members of that House; and it was not on account of agreement with any points of the People's Charter in detail that he supported the present Motion, but he cordially gave his vote for it, as another attempt in the series of attempts to realise a full and free representation of the people.

Lord J. RUSSELL: Sir, having addressed the House on a vote something similar to the present in the last Session, and also in the present Session of Parliament, I do not know that I need trouble the House again with any repetition of sentiments with which the House must be familiar; but I think it necessary to allude to some expressions that have been made in the course of the debate, which, if uncontradicted, would lead to false impressions both with regard to the Government and to this House. And, first, with respect to an assertion made by the hon. Member for the Tower Hamlets. He appeared to suppose, and I think asserted, that I pledged myself and the Government to which I belonged, to resist any farther measure of Parliamentary reform, or any extension of the suffrage which might be proposed. Now, I beg to say, that that is by no means a correct representation of my words. I may revert to the circumstance to which he alluded, since he referred to a speech of mine made in the year 1837. The House will recollect, that when the Reform Bill was brought forward by me as the organ of the Government of Lord Grey, it excited very great enthusiasm among a large number of the people, and at the same time excited very considerable alarm among others who were prepared to adopt some measures of reform, but who thought the Reform Bill a measure so extensive, so extreme, and so democratic, that they were ready to offer every hostility to it, and to run all risks rather than give so extensive and great a majority in this House to the people. Under these circumstances, some people who were still doubtful what course to pursue—seeing on the one hand the perils which they thought belonged to the reform which Lord Grey had sanctioned by his authority, and on the other hand the danger which might result from resisting the free manifestation of the popular will in a free country like this, they put the question to Lord Grey as the head of the Government, and to Lord Althorp as the representative of the Government in this House, whether they intended that that Bill should be the commencement of a series of other measures totally destroying the system of representation which existed, or whether they intended it as a measure to which they were prepared to stand? Lord Grey and Lord Althorp clearly, repeatedly, and solemnly declared that it was a measure on which they intended to stand, and that they had no ulterior project of introducing on the foundation of the Reform Bill other changes, carrying the alteration in the representation of this House still farther than was proposed in the scheme then before Parliament. On this declaration, so made by Lord Grey and Lord Althorp, who were entitled to speak on the part of the Government—one being the head of the Government, and the other being the representative of the Government in this House—many persons, who up to that time had not been Parliamentary reformers, declared their adherence to the plan of the Government, and gave such support to it as enabled Lord Grey to carry it, first in this House, and finally to carry it into effect as an Act of Parliament. Some five years after this I was asked to give my consent to a totally new scheme of representation. I said, as I was entitled to say, and as I think I was bound to say, that I had been a Member of Lord Grey's Government, that I had been the organ of that Government with respect to the Reform Bill, and that I did not think I would be justified, within a short time after the measure had been carried, to introduce a new scheme of representation. I said, at the same time, that such a measure might be wise, and might be called for by public opinion; but that, if so, I was not a fit person to make such a proposition to Parliament. The hon. Gentleman says, that by that declaration I precluded myself from ever giving my consent to any—the smallest—alteration in the Reform Bill, or to any extension of the franchise; that though I did not consider the Reform Bill perfect—though I knew it to have many defects and imperfections, I was not to be at liberty to consent to any alteration whatever in it.

Now, so far from this being so, and so desirous was I of preventing misconception at that time, that I took a course, I believe unusual with Ministers of the Crown—I published a letter to my constituents, in which I declared that, with regard to alterations founded on the Reform Bill, giving the working classes a greater share in the representation, and giving votes to people not then possessed of them, I certainly, when they were brought forward in due time, would not be hostile to them, and would be ready to give them a fair consideration. Now I think, after that, I am scarcely open to the representation that has been made by the hon. Member for the Tower Hamlets, who had not heard these speeches, and who probably has not read the letter to which I have alluded. However, having stated this much with respect to my own conduct in this matter, connected as I have now been, for I believe a period of thirty years, with different questions relating to reform in Parliament, I will now proceed to state very shortly my opinion of the Motion which is before the House. I am not surprised, as my hon. Friend the Member for Preston seems to be, at the course taken by my hon. Friend the Member for Montrose. I own that when he brought forward his Motion recently, I considered that there was much that was obscure and ambiguous in his Motion, but that, although it might only be regarded as a step, yet it was a step which must lead very rapidly to the assertion of all those principles which are called the six points of the People's Charter. I cannot, therefore, be surprised that he should vote for the Motion to-night, and that he should have declared, that though he thought it would have been better to go more slowly to the result, yet that he had no objection to proceed to that end; and, indeed, that it was an end to which he thought we should arrive. [Mr. Hume: Hear, hear!] Now, let us see what the end is to which the hon. Gentleman thinks we ought to arrive. The hon. Gentleman the Member for Nottingham, not content to introduce a Bill to carry into effect the six points of the People's Charter, has thought it necessary to bring forward a resolution professing to base this reform on certain principles, which of themselves, I think, contain no little danger and no few doubtful propositions. Upon the propositions that labour is the source of all wealth, and that the people are the only legitimate source of power, I will not at present make any observations. But "that the labourer should be the first partaker of his own industry"—what is the meaning of that proposition? If the labourer engages for certain wages to do a certain amount of work, and obtains that amount of wages, the contract is performed, and he has no further rights to urge, in consequence of the amount of labour he performs. I am sure the hon. Member for Montrose will concur with me in opinion upon that proposition. But I know there was a proposition which was very popular last year in France, and, for what I know, may be very popular at this moment with a great many persons in France—some of them very acute philosophers, and others, as I think, misled labourers—which said that there ought to be no such thing as a capitalist enjoying the undivided profits of any enterprise; but that the profits of any enterprise of any kind, such as manufactures, railroads, farms, or whatever it might be, should be divided among all those who contributed to produce the fruits of that industry, and that every labourer should partake, according to a certain proportion, in the benefits resulting from that enterprise. If that is the meaning of the hon. Member, and it certainly looks more like that than any other, I say, at once, that the preface of his proposition is both dangerous and destructive of that industry upon which so many of our people are now depending for comfort and independence. The proposition is one more subversive of industry than any of those monopolies or privileges the destruction of which has so recently been effected, or any scheme of political representation which might be said to be defective or unsound. The hon. Member goes on in the preface to his Motion to say, "that taxation without representation is tyranny." If by that proposition it is meant to say that if a man has not a vote, any taxation which is imposed upon him must be tyranny, I entirely disagree with that proposition. I stated upon a former occasion in this House, and I think still, that the arrangement of the representation of this House is a matter that ought to be made according to what is most for the welfare of the people, and that if you have a scheme of representation which would produce worse laws and a worse system of taxation than another system which did not give to every man a vote, I should say that the system which tends most to the benefit of the people was the better system of the two, and that you ought not to adopt the worst for the sake of any abstract doctrine with respect to the rights of every man to have a vote for Members of Parliament. The hon. Member for Montrose, indeed, says that every man who has not a vote is a slave. That is an opinion which I have not only heard stated, but in many of those speeches which appear in the *Daily News*, of which the hon. Member for Nottingham appears to think I am ignorant, I see it is taken for granted, and used as a common topic of declamation, that all those persons who have not a vote for Members of Parliament are slaves. I cannot, however, agree in that representation. I have been in the habit for a long time of hearing of "free-born Englishmen," whose great pride was the liberty they enjoyed, and I never yet knew that every one of them had a vote for Members of Parliament. The rights which they enjoy under this constitution are, the right of thinking what they please, and of saying what they think, and of acting without any fear of arbitrary imprisonment or restraint. I thought that, having the power to act as they pleased, so long as they acted in conformity with the laws, and not having their liberties or lives at the disposal of any arbitrary monarch or authority whatever—that these, with other liberties, were what we constantly called "the liberties of Englishmen." It is entirely a new doctrine, and I think a very mischievous one, which says that every one who has not a vote for Members of Parliament is a slave. The hon. Member for the Tower Hamlets spoke of the whole of the 28,000,000 of the population as if they were all slaves, and not merely the male adults. How would the hon. Member propose to act with respect to the women of this country? If every person is a slave who has not a vote, are all the women who adorn English society to be regarded as slaves? Are they all to be considered slaves because they have not votes? Do not tell me that they are not fitted to give votes. For my part, I think persons like Miss Martineau, and many other ladies, are as fitted to give votes for Members of Parliament as many thousands of those who are now called "slaves" on account of their not possessing the privilege of voting. But I really think that, with respect to this right of voting for Members of Parliament, it is no more necessary that there should be any abstract right upon the subject, than with respect to the right of sitting upon juries, or of being judges in this country. You make certain regulations with respect to property, and say that persons possessing a certain amount of property are entitled to sit upon juries. Are all persons, then, who are not entitled to sit upon juries to be considered "slaves?" Is it to be said, that because their lives and properties are disposed of by other classes, that therefore we are slaves? We say that is necessary that a certain education, and being called to the bar, should be necessary to enable persons to be Judges. If we are to go upon this abstract right, I know not why these qualifications are necessary, and why, as well as in the question of representation, we should not throw open all these offices to the whole community. I believe that in some of the ancient democratic republics such was the case, and that every citizen not a slave—for there were real slaves in those days—was eligible to fill all the offices of the State. But the real question upon this subject, as upon a former Motion, is, whether it would really tend to the benefit of this country that every adult male of full age should have the right of voting for Members of Parliament, and that districts should be equally divided, so that a certain amount of population should send a Member to Parliament. Now upon that subject I should certainly say, that I do not believe that we should be in the enjoyment of so much liberty as we now possess, if universal suffrage were the rule for representation in this House. I shall say nothing with regard to a system of universal suffrage as the foundation of a democratic republic. I am to look at universal suffrage, proposed as the basis of the representation of this House, and I am to consider how far such representation would agree with the rest of our constitution, and could be made to harmonise with the other parts of it, as they now exist; and it is my opinion that they certainly would not harmonise. I can well understand that in a case where there are no other powers to come in contact with it, that democracy may have that moderation which all power is not apt to possess, and that no danger may result from the exercise of that power. But where you have, as in this country, a constitution which, while I think it is very perfect, is at the same time extremely complicated, I do not know how a House of Commons elected by universal suffrage would harmonise with the other parts of our constitution. I am told, indeed, by the hon. Gentleman who spoke last, that it is because we have other powers in our constitution that it is necessary to have a representation founded upon universal suffrage. I entirely demur to that observation. The whole of the constitution of this country depends upon the moderation and forbearance with which its various powers are exercised. If the Sovereign were to exercise the extreme power of the prerogative—if the House of Lords were upon every occasion to indulge its own views and its own opinions, and exercise its power of rejecting all the Bills sent up from this House—if the House of Commons used its extreme power of constantly refusing all supplies, unless its will were complied with —I say, if the Sovereign, the House of Lords, and the House of Commons, were all, or indeed any one of them, to use the powers which the constitution has vested in them, which by law they possess, and which cannot be denied to them—if they were to use all these powers, and push them to extremes, the constitution could not last a month. There would be an end of its powers, and at the same time there would be an end of the temperate liberties of this country. I do not say that you might not erect upon its ruins some other constitution; I do not say that you might not have a democracy which would be very powerful and very flourishing; and I do not say that you might not have—which perhaps would be the greater probability of the two—under the name of a democracy, a dictatorship, powerful, terrible, and absolute, and a government very strong and very formidable. But what I do say is, that the liberties we have inherited from our ancestors, and that temperate liberty of which we are now in the enjoyment, are enjoyed only by not pushing the rights of any parties to the extreme. For this reason, therefore, I do not concur in the proposal to establish a system of universal suffrage. With respect to another topic upon which I shall touch—namely, the system of electoral districts, I at least take it that the proposition of the hon. Member for Nottingham is more intelligible than was that of the hon. Member for Montrose. I can very well understand a proposal to divide the country according to its population, and that each district, according to its population, should return one Member. That, at least, is an intelligible proposition. That it would put an end to the influence of aristocracy, which seems to be the great bugbear with some hon. Members who have spoken, I do not at all believe; because, if you have a representation of the agricultural districts, as you would be obliged to have, according to the plan of the hon. Member himself, where there was considerable property, whether in the possession of one man only, or in the hands of several gentlemen living in the country, that influence would still be made to tell at the elections, and it would tell with universal suffrage almost as much as it would in the present mode of elections, and the aristocracy would consequently have a great influence in the return of Members. I do not think myself, that it would be so good a system as that which at present prevails. The hon. Member for Oldham has for the hundredth time collected several of the discrepancies which exist in the number of Members for large places, and for boroughs of an insignificant character. That objection has been urged over and over again—*habemus confitentum reum* —it has never been denied, and is an incident of our system of representation. The system of representation as it now exists, although not one of numbers, is more a representation of the whole community of this country than if you had the representation of districts divided exactly according to population. Now, with respect to that division into districts, you would have many Members from large towns, and many from agricultural districts. They would discuss the questions which came before them, and you would find very possibly at first, that those who expected great democratic changes would be disappointed, and that there would be a majority of those who would belong rather to the Conservative than to any other party in the House. But then, having made these great changes, have you any reasonable expectation that satisfaction would be given by such alterations? Do you believe that these persons who you say are now dissatisfied, and who are chiefly persons busying themselves in politics in some of the great towns of the country, would be satisfied with such a representation? We have seen—and I do not think we ought altogether to leave out of view what we have seen in a neighbouring country in the last year, because those experiments have been made to their cost, as I think—we have seen what they have done. They have established universal suffrage, they have equal electoral districts, and a large majority has been returned which is composed of what may be called in this country men of Conservative opinions. But has that majority inspired universal satisfaction? Has the majority, according to the hon. Gentleman who spoke last, sat down contented? That hon. Member said, if you do nothing else you would give contentment to the masses of the people, because there have been complaints for a long series of years. "If you establish universal suffrage," said he, "and equal electoral districts, you will give contentment to the people." Well, they have tried that plan in France. What did the minority do there? They brought their question before the Assembly—they set the constitution at defiance; the majority, representing universal suffrage, said that the constitution had not been violated. The minority, which, according to the hon. Gentleman, ought to have sat down contented, immediately laid their plans for carrying bloodshed through the streets of Paris, and asserting by force what they could not obtain by other means. These are not the fruits of such measures in one country only; they are the natural fruits, let me tell the House, of attempting those great changes, and of expecting very great results immediately to follow upon the foundation of the doctrine of universal suffrage, and holding out the delusión that by certain changes in the laws of property all men should obtain at once the advantages of perfect ease and prosperity. But that is what has been done in France. There the doctrine has been held that those who were engaged in manufactures need never have periods of adversity, and that if there should come a time when there might be a want of demand, and the manufacturer was not able to supply work to the labourer, that the order of society ought to be so changed as to provide that no suffering should follow, and that by certain most artificial, most absurd, and most impossible regulations, the manufacturing interest not only of France, but of every other country, should be regulated and restricted to what would be the exact demand of the world, so that the time should never come when the supply should exceed the demand, or that the artisan and workman would be without the necessary means of enabling them to obtain their livelihood. The consequence of holding out these doctrines has been that a number of men have been disappointed at the effect of the changes which have taken place in France. They have got universal suffrage; but when they found that these impossible effects did not follow, they went into the streets, some 20,000 or 30,000 strong, prepared to sacrifice their lives in defence of these impossible views. You may tell me that no such occurrences would take place in this country, that we are better instructed, and that we should consequently have no such things in England. But I own I do not think—talk as the hon. Gentleman may of the greater portion of the people of the country being "slaves"—that the advantages we have to part with are so trifling as that we should run the immense risk of losing them by adopting the course which is now proposed. I may be quite mistaken in all this. It may be that the country would be made happier, more prosperous, and more free, by adopting this proposition; but what I say is this, that the country is now in the enjoyment of great liberties—that if we are wrong in any of those economical changes which we have lately adopted, they have been adopted by the consent of the great body of the people, and not against their will. Feeling this as I do, I am not disposed to adopt the changes which the hon. Member recommends. I believe it would be for our advantage if a greater number of the working classes had a voice in the election of their representatives; but I think that such a change can be made without the danger of the sacrifice of all the main principles of our representative constitution. I therefore meet the proposition of the hon. Gentleman with a direct negative, conceiving that, if adopted, it would tend to the greatest evils, and that in adopting it we should run the risk of losing the liberties we now possess, and that to do so would be a most foolish and unwise proceeding.

Mr. MUNTZ said, it was with great satisfaction that he had heard the noble Lord declare that they were at liberty to make great alterations, notwithstanding the passing of the Reform Bill. He remembered a declaration of the noble Lord on that subject, which had the effect of giving him the *soubriquet* of "Finality John."

Lord J. RUSSELL: Perhaps I should explain to the hon. Gentleman that the word "finality" was never used by me. It was, no doubt, a very good nickname; but I never used the word "finality" at all.

Mr. MUNTZ was very glad to hear that declaration. He had also rejoiced to hear the noble Lord declare, in the latter part of his speech, that he was in favour of an extension of the suffrage, provided it could be made with advantage and safety, and hoped he would not allow a very long period to elapse before he put his views in practical operation. He was satisfied that the great majority of the people of this country felt that they were at present under a great privation. Sincerely did he wish that he could make up his mind to vote for the Motion, but in some of the propositions he could not concur. He agreed with the noble Lord that the proposition that the labourer should be the first partaker of the fruits of his industry was very ambiguous. He strongly objected to the proposal to have annual elections; he could not conceive how, under such circumstances, the business of the country could be properly carried on. He was quite prepared to vote for the ballot, if accompanied by a large extension of the suffrage: without that he doubted whether it would produce any good results. As to the electoral districts, it certainly appeared a very great anomaly that one man should represent thousands of persons, and another only scores, and he would like to prevent an improper use of what were called the rights of property. The property qualification seemed to him nonsense. It was a notorious fact that many Gentlemen had sat in that House with a nominal qualification, who had not a shilling's worth of property in the world. He regretted that he could not record his vote in favour of the Motion, feeling that there was a great deal which ought to be given to the people, and which, if it were not given, they would take.

Mr. F. O'CONNOR, in reply, said the noble Lord at the head of the Government had told the House the Reform Bill was carried in deference to popular opinion, and that five years after it had been passed he saw the necessity for other concessions. Now, those concessions had never yet been made, and he wished the noble Lord would say when he would make them. It had been insinuated that he was in favour of the socialist and communist doctrines. He was opposed to both, and he was perfectly satisfied that the people of this country were neither socialists nor communists. As to the changes in France not having worked well, the French people, from their fettered press, were not so well prepared for change as the people of England. He was glad to hear the noble Lord say when the proper time had arrived he would be prepared to make timely and necessary concessions. The proper time had now arrived. He hoped the noble Lord would no longer delay. He had been charged with having always avoided saying to what his proposed changes would lead. He had done so designedly, and did not think it was necessary to give an opinion on that point. He was certain of this, that the people did not like the present state of things, and would soon have some change. He was reminded of an anecdote at an election where Earl Fitzwilliam was very closely questioned by a sturdy peasant. "What do you know, you booby," said the Earl, "about making laws?" "I know nought about making laws," said the peasant, "and I know nought about making shoes; but if a mon meakes a pair as pinches my toes, he shan't make any more for I, that's what I knows." If the present Motion were lost, he could assure the House that he would persevere until the Charter became the law of the land.

The House divided:—Ayes 13; Noes 222: Majority 209.

List of the AYES.

Fox, W. J.
Greene, J.
Heyworth, L.
Hume, J.
Lushington, C.
Nugent, Lord
O'Connell, J.
Pearson, C.
Scholefield, W.
Tancred, H. W.
Thompson, Col.
Thompson, G.
Walmsley, Sir J.

TELLERS.

O'Connor, F.
Crawford, W. S.

List of the NOES.

Abdy, T. N.
Adair, R. A. S.
Adderley, C. B.
Alcock, T.
Anstey, T. C.
Arkwright, G.
Armstrong, R. B.
Bagshaw, J.
Bailey, J.
Bailey, J. jun.
Baillie, H. J.
Baines, M. T.
Bankes, G.
Baring, rt. hon. Sir F. T.
Baring, hon. F.
Barnard, E. G.
Barrington, Visct.
Bateson, T.
Beckett, W.
Bellew, R. M.
Bennet, P.
Berkeley, hon. Capt.
Berkeley, C. L. G.
Bernal, R.
Blakemore, R.
Blandford, Marq. of
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadwood, H.
Bromley, R.
Brotherton, J.
Buck, L. W.
Bunbury, E. H.
Burghley, Lord
Burke, Sir T. J.
Butler, P. S.
Buxton, Sir E. N.
Campbell, hon. W. F.
Carter, J. B.
Castlereagh, Visct.
Chaplin, W. J.
Cochrane, A.D.R.W.B.
Colebrooke, Sir T. E.
Coles, H. B.
Cotton, hon. W. H. S.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. B.
Currie, H.
Dalrymple, Capt.
Dashwood, G. H.
Davie, Sir H. R. F.
Davies, D. A. S.

Dawson, hon. T. V.
Deedes, W.
Denison, E.
Dod, J. W.
Douglas, Sir C. E.
Drax, J. S. W. S. E.
Drummond, H.
Duncuft, J.
Dundas, Adm.
Dundas, Sir D.
Dunne, Col.
Edwards, H.
Evans, J.
Farnham, E. B.
Farrer, J.
Fergus, J.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzwilliam, hon. G. W.
Floyer, J.
Foley, J. H. H.
Forster, M.
Fox, R. M.
Frewen, C. H.
Galway, Visct.
Glyn, G. C.
Gooch, E. S.
Grace, O. D. J.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Guernsey, Lord
Hale, R. B.
Halford, Sir H.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Harris, hon. Capt.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Henry, A.
Herbert, H. A.
Heywood, J.
Hildyard, R. C.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Hodgson, W. N.
Houldsworth, T.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Jermyn, Earl
Jervis, Sir J.
Jocelyn, Visct.
Johnstone, Sir J.
Keppel, hon. G. T.
Ker, R.
Knox, Col.
Labouchere, rt. hon. H.
Langston, J. H.
Lennard, T. B.
Lennox, Lord H. G.
Lindsay, hon. Col.
Loch, J.
Lockhart, A. E.
Lopes, Sir R.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, W. F.
Mahon, Visct.
Manners, Lord G.
Martin, J.
Martin, C. W.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Miles, P. W. S.
Milner, W. M. E.
Mitchell, T. A.
Monsell, W.
Morgan, H. K. G.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Muntz, G. F.
Mundy, W.
Napier, J.
Newry & Morne, Visct.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, J.
O'Brien, Sir L.
O'Brien, T.
O'Connell, M. J.
Ogle, S. C. H.
Owen, Sir J.
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Palmerston, Visct.
Parker, J.
Peel, rt. hon. Sir R.
Pennant, hon. Col.
Perfect, R.
Philips, Sir G. R.
Pigott, F.
Plumptre, J. P.
Pryse, P.
Pugh, D.
Pusey, P.
Raphael, A.
Reid, Col.
Ricardo, O.
Rice, E. R.
Rich, H.
Richards, R.
Robartes, T. J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Sandars, G.
Seaham, Visct.
Seymour, Sir H.
Shafto, R. D.
Sheil, rt. hon. R. L.
Simeon, J.
Slaney, R. A.
Smith, rt. hon. R. V.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Spooner, R.
Stafford, A.
Staunton, Sir G. T.
Strickland, Sir J.
Stuart, Lord J.
Stuart, J.
Talfourd, Serj.
Thesiger, Sir F.
Thompson, Ald.
Thornely, T.
Tollemache, hon. F. J.
Tyrell, Sir J. T.
Vane, Lord H.
Verney, Sir H.
Vivian, J. E.
Walter, J.
Watkins, Col. L.
Wellesley, Lord C.
West, F. R.
Westhead, J. P.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.
Wortley, rt. hon. J. S.
Wyvill, M.
Young, Sir J.

TELLERS.
Tufnell, H.
Hill, Lord M.

THE SALE OF BREAD.

Mr. BANKES rose to move that the House resolve itself into a Committee, for the purpose of considering the best means of more effectually preventing frauds in the sale and manufacture of bread. In the last Session he had introduced a Bill upon this subject, which he intended should have the same objects as those that were indicated by his present Motion. He did not mean to make any charge against the trade of bakers, many of whom were as honest men as were embarked in any other trade. It, however, unfortunately happened in that trade, as well as in others, that there were some dishonest men who took advantage of the honest trader by following the opposite course. He thought he would be able to prove that the poorer classes had not that protection in regard to the purchase of bread to which they were entitled. The hon. and gallant Member for Brighton, at the close of the last reign, introduced a Bill into this House which was passed into a law—the 7th Wm. IV., chap. 37, to regulate the sale of bread; but that measure, though it might afford protection to the rich, who generally purchased fancy bread, was no protection to the poor. This Act repealed the 19th Geo. III., which did afford some degree of protection to the poor. The effect of the law as it stood was, that all bread was to be sold by weight, and it required that scales and weights of the proper form should be in readiness to weigh the bread. The rich man, no doubt, was thus protected from fraud, but the poor man, who was generally the debtor to the baker, dared not demand to have his bread weighed. The hon. Member then read a communication from a magistrate of the county of Essex, to the effect that a baker had been convicted by the bench to which his correspondent belonged, for selling bread to the extent of four ounces deficiency in each 4 lb. loaf. The writer suggested that each loaf should be stamped with the weight in figures. The bread alluded to was sold chiefly to the poor. This suggestion he should introduce into the Bill he proposed to bring before Parliament; he should require the weight of each loaf to be stamped on it. He had introduced the same provision into his Bill of last Session, but he was defeated in carrying it through the House by the metropolitan Members. On that occasion the Speaker had expressed a doubt whether such a Bill could be introduced without a Committee; therefore it was that he now moved for a Select Committee. If the Government—if any private Members expressed themselves satisfied with the present state of things as regarded the bread of the poor, he was not. The Chancellor of Exchequer might assert that the working classes were prosperous; but his (Mr. Bankes') experience was to the contrary, and at all events the poor man was not so well off as to be indifferent to the weight of his bread. It was to secure this to him that he was led to introduce the measure he hoped to propose. His plan had been adopted in a local Act, late in the last Session, and was now the law of the land as regarded Edinburgh. A baker was convicted in that city the other day for selling an unstamped loaf. Therefore he only asked the House to make general that which was already in operation in particular places. The clause of the Act in question made it imperative on all bakers to impress the weight of the bread upon each loaf, under a penalty of 40*s.* for the first offence, and 5*l.* for the second. It was the law in Edinburgh; why should it not be the law in London? Nay, why should it not be the law in Brighton, where there were poor people, as well as everywhere else? Much evil was done to the poor by defrauding them with false measure, and he proposed that the inspectors should inspect the articles as well as the weights. He concluded by moving for a Select Committee on the subject.

Motion made, and Question proposed—

> "That this House do resolve itself into a Committee, to consider of the best mode of preventing frauds in the Sale of Bread, and for making further provision to secure the wholesome quality of articles used in the Manufacture of Bread."

LORD NUGENT seconded the Motion.

CAPTAIN PECHELL opposed the Motion, and said that the House, having abrogated the laws relating to the assize of bread—laws which placed millers and bakers alike at the mercy of informers and magistrates, he would never consent to revive such an injurious and obnoxious system. If bread was to be subjected to such regulations as the hon. Member wished to enact, why should groceries and other necessaries not be similarly treated? He was afraid the hon. Member would find he had taken a very troublesome job in hand, and for his own part he should strenuously fight in support of the system which he had been the first to introduce.

MR. LABOUCHERE said, that he was not indisposed to permit the hon. Member to have his Committee, but he must guard against being supposed to agree to the principle. The present system worked well. When the proposal to stamp the bread was last year before the House, the bakers opposed it by very reasonable arguments, and nothing had been urged to shake his belief in the validity of those objections. If the proposal to stamp the weight upon every loaf were to be made into a law, it would be impossible for a baker to sell a portion of a loaf or to cut it, and much of the bread sold to the poor was so dealt out. He apprehended that the respectable bakers of London and large towns would be subject to great inconvenience, and very unfairly so. As to such an enactment being in force in Edinburgh, that had been done in a local Act, and certainly its effect was not such as to induce him to follow such an example.

MR. PACKE said, that the country, and more particularly the poor, ought to feel very much obliged to the hon. Member for his Motion, which deserved the support of the whole House. The price of bread in London was exorbitant, as compared with the provinces.

MR. FOLEY said, that there was a very strong feeling in many parts of the country that the present state of the law was wholly unequal to afford that protection against fraud which the poor consumers of bread required.

MR. G. J. HEATHCOTE was in favour of granting the Committee, as the sale of bread did require some regulation. There was an extraordinary difference in the price of bread even in various localities of the metropolis, and some means ought to be adopted to enforce fair prices, so as to give the poor the advantage of the low price of corn. He only regretted that the Session was so far advanced as not to render it likely that the Bill could become law this year.

SIR DE L. EVANS denied that there was any combination amongst the metropolitan Members to prevent the Bill from becoming law. It appeared to be a favourite hobby of the hon. Member, but he had deferred the introduction of his measure until so late a period as thereby to defeat his own intentions. At the same time it might be doubted whether the hon. Member was aware of the difficulty, not to say impossibility, of carrying out his proposition, as bread was constantly changing in weight owing to its exposure to the air. He begged to state on the part of the bakers that they were very desirous to be relieved from the stigma which constantly rested on them; and, therefore, he should await and see what the Bill was.

MR. MANGLES could not assent to the introduction of such a Bill as that proposed by the hon. Member. As regarded the principle of the Bill, he defied the hon. Gentleman to show one reason for passing it which was not equally applicable to the butcher or the grocer. It was quite true that the baker when he put his bread into the oven did not know what weight it would come out; and again it was quite possible that one loaf might come out much lighter than another, even though both were of the same weight when put into the oven. He believed that the Bill, if agreed to, would let loose a whole host of informers, and for this reason he should give it the most strenuous opposition in his power.

Question put.

The House divided:—Ayes 91; Noes 37: Majority 54.

List of the NOES.

Abdy, T. N.
Acland, Sir T. D.
Adderley, C. B.
Baring, rt. hon. Sir F. T.
Barrington, Visct.
Bennet, P.
Beresford, W.
Boldero, H. G.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Broadwood, H.
Brotherton, J.
Buller, Sir J. Y.
Butler, P. S.
Caslereagh, Visct.
Chichester, Lord J. L.
Clerk, rt. hon. Sir G.
Clive, H. B.
Cochrane, A.D.R.W.B.
Cowan, C.
Cowper, hon. W. F.
Currie, H.
Dalrymple, Capt.
Deedes, W.
Dunne, Col.
Edwards, H.
Estcourt, J. B. B.
Farrer, J.
Ferguson, Sir R. A.
Floyer, J.
Foley, J. H. H.
Frewen, C. H.
Gaskell, J. M.
Grey, rt. hon. Sir G.
Grogan, E.
Hamilton, J. H.
Heathcote, G. J.
Hildyard, R. C.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Howard, hon. E. G. G.
Jervis, Sir J.
Ker, R.
Knox, Col.
Labouchere, rt. hon. H.
Langston, J. H.
Lockhart, A. E.
Mackenzie, W. F.
Mackinnon, W. A.
Monsell, W.
Morgan, O.
Morris, D.
Mulgrave, Earl of
Mundy, W.
Napier, J.
Noel, hon. G. J.
Nugent, Lord
O'Brien, J.
Oswald, A.
Palmer, R.
Parker, J.
Patten, J. W.
Portal, M.
Pryse, P.
Pusey, P.
Raphael, A.
Rice, E. R.
Rich, H.
Romilly, Sir J.
Russell, F. C. H.
Rutherfurd, A.
Sandars, G.
Seaham, Visct.
Somerville, rt. hon. Sir W.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stuart, J.
Talbot, C. R. M.
Taylor, T. E.
Thompson, Ald.
Tollemache, hon. F. J.
Tollemache, J.
Tufnell, H.
Tyrell, Sir J. T.
Westhead, J. P.
Williamson, Sir H.
Wood, rt. hon. Sir C.
Wyld, J.

TELLERS.

Bankes, G.
Packe, C. W.

—*List of the* NOES.

Anson, hon. Col.
Bellew, R. M.
Berkeley, C. L. G.
Birch, Sir T. B.
Bouverie, hon. E. P.
Brand, T.
Bunbury, E. H.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Craig, W. G.
Dundas, Adm.
Evans, Sir De L.
Filmer, Sir E.
Fox, R. M.
Hallyburton, Lord J. F.
Hawes, B.
Hayter, rt. hon. W. G.
Hobhouse, T. R.
Howard, Sir R.
Keppel, hon. G. T.
Manners, Lord G.
Marshall, W.
Matheson, Col.
Melgund, Visct.
Milner, W. M. E.
Mostyn, hon. E. M. L.
Pearson, C.
Ricardo, J. L.
Salwey, Col.
Stansfield, W. R. C.
Stuart, Lord D.
Stuart, Lord J.
Thompson, Col.
Thompson, G.
Thornely, T.
Wilson, J.

TELLERS.

Mangles, R. D.
Pechell, Capt.

Matter considered in Committee.

Resolution reported: Bill ordered to be brought in by Mr. Bankes, Mr. Spooner, and Mr. Stuart.

TRANSMISSION OF IRISH AND SCOTCH MAILS.

MR. KER moved for a Select Committee to inquire into the expediency of the proposed alterations as regarded the transmission of the mails between the south-west of Scotland and the north of Ireland. He asked for inquiry into the reasons why the principle recommended by the best authorities, and which had led to the expenditure of so large an amount of public money, was to be departed from. The whole of the south-western part of Scotland, and a considerable part of the northern counties of Ireland, would be affected by the change, and all the money that had been expended for the purpose of carrying out the old arrangement would be lost. A saving of 4,000*l.* a year, it was said, would be effected by means of this alteration; but that he regarded as a very questionable saving, especially when large interests were involved, and the alteration was proposed to be from a short passage between Portpatrick and Donaghadee, to a longer one from Greenock to Belfast. The old arrangement was in every respect most advantageous, and would be found still more so when railway communication was carried on to Portpatrick.

Motion made, and Question put—

"That a Select Committee be appointed to inquire into the expediency of the proposed alterations as regards the transmission of the Mails between the South-west of Scotland and the North of Ireland."

The CHANCELLOR OF THE EXCHEQUER did not see that any further information could be acquired by a Committee than was already before the House. He admitted that the passage between Portpatrick and Donaghadee was the shortest, and also that a large expenditure of money had taken place on the harbour of Portpatrick; but these considerations were overborne by the advantages which would accrue to the public generally by the adoption of the new arrangement. A considerable saving would be effected by the proposed alteration, and it should be borne in mind that it was not by any means proposed to interrupt the communication between the south of Scotland and Ireland. The hon. Gentleman spoke of railways being brought to the point of communication with the steamers from Portpatrick and Donaghadee; but when the railways come to these points it would be time enough to consider the question. Parties now carrying on steam navigation betwixt the Clyde and Belfast, were willing to convey the mails to Belfast without any payment whatever; and he did not see why in this way they should not be conveyed as rapidly as by steam-packets kept up by Government, while a great expense would be saved. He did not see that any further information could be obtained by a Committee than was already possessed.

The House divided:—Ayes 37; Noes 44: Majority 7.

LYME REGIS ELECTION.

MR. BUTLER called the attention of the House to the special reports and recommendations of the Lyme Regis Election Committee of last Session, charging John Attwood, Esq., with bribery—then a Member of this House, and subsequently unseated for bribery in his election for Harwich—and moved that the Attorney General be directed to prosecute Mr. Attwood and his agents for the alleged cases of bribery and corruption at Lyme Regis and Harwich. He referred to the proceedings at the elections of Athlone and Kinsale, as brought out in the reports of the Election Committees, and by letters from both these boroughs, as showing that Mr. Attwood's interference with the freedom of election was not even confined to this country, but had been extended to Ireland. If a check was not put to such a system by the House, he had no doubt that half of the Irish Members would ere long have to make way for the millionaires of the city of London, who, like Mr. Attwood, would find speculation in Irish boroughs a profitable investment.

Motion made, and Question put—

"That the Attorney General be directed to prosecute Mr. Attwood, and his Agents, for the alleged cases of bribery and corruption at Lyme Regis."

MAJOR BERESFORD said, that having listened to the observations of the hon. Gentleman, it seemed to him that the charge against Mr. Attwood was not for what had been done at Lyme Regis, but for having invaded Ireland, and, like another Strongbow, attacking the native Milesians in their strongholds. The whole of the evidence relied on by the hon. Gentleman were certain private letters, and none of the arguments tended to prove any thing except that it was disagreeable to certain parties in Ireland to be invaded by a rich English gentleman. He had always heard it said that nothing more was desired than the introduction of English capital into Ireland. The hon. Gentleman proposed that the Attorney General should be instructed to prosecute Mr. Attwood for bribery and corruption at Lyme Regis. Now, the evidence taken before the Committee did not bring home a single case of bribery to Mr. Attwood in the Lyme Regis case. In the Harwich case, the Committee reported that Mr. Attwood was entirely innocent of bribery, the only case proved having been the act of his agent, without Mr. Attwood's knowledge. He knew that the Harwich election was a decidedly cheap and pure election as compared with former elections, so much so that the voters themselves were astonished at it. The whole expense did not exceed 300*l.* If the hon. Gentleman was so imbued with the spirit of purity, why did he not go to other places as corrupt as either Lyme Regis or Harwich? [*Cries of* "Name!"] He might name Kinsale. The evidence before the Committee showed that bribery to three times the extent at Kinsale that there was at either Lyme Regis or Harwich. The accusation against Mr. Attwood was, that he allowed money to certain electors on the condition that whenever he came forward as a candidate, they should vote for him or for his nominee. Now, Sir FitzRoy Kelly did not come forward at Mr. Attwood's request, but before Mr. Attwood was aware of his intention, so that he could not be considered as Mr. Attwood's nominee. He should say there was no great crime committed against the laws of this empire in purchasing property of any description; and for his part he did not think that the Attorney General of this country should go out of his way to prosecute parties in compliance with the proposition of the hon. Gentleman opposite. For these reasons he should meet the Motion before the House with a direct negative.

MR. FREWEN asked whether hon. Gentlemen were not aware that property had been purchased in Kinsale for the purpose of securing permanent political influence in that borough?

SIR G. GREY said, the Committee which had been appointed to consider the Lyme Regis case, had not recommended the Attorney General to prosecute. He doubted whether such a prosecution could be now sustained.

The House divided:—Ayes 3; Noes 46: Majority 43.

The House adjourned at half after One o'clock.

HOUSE OF COMMONS,

Wednesday, July 4, 1849.

MINUTES.] PUBLIC BILLS.—2° Highways (District Surveyors).

Reported.—Real and Personal Property Transfer; Marriages.

PETITIONS PRESENTED. By Mr. Cowan, from David Boswell Reid, M.D., for Inquiry respecting the New Houses of Parliament.—By Mr. Godson, from Dudley, for Universal Suffrage.—By Mr. Forbes, from Kilsyth, against, and by Sir J. Guest, from Merthyr Tydvil, in favour of, the Marriages Bill.—By Mr. Greenall, from St. Helen's and Prescot, for Repeal of the Duty on Attorneys' Certificates.—By Colonel Tynte, from Bridgewater, for Repeal of the Duty on Newspapers, &c.—By Mr. P. Wood, from Manchester, for an Alteration of the Bankrupt Law Consolidation Bill.—By Sir F. Baring, from Portsmouth, for the Cruelty to Animals Bill.—By Mr. Roebuck, from Joseph Crick, of Guernsey, for Inquiry and Redress.—By Lord Harry Vane, from Barnard Castle, against the Highways (District Surveyors) Bill.—By Mr. Lacy, from St. Helen's and Bolton, against the Mines and Collieries Bill.—By Mr. W. Brown, from Pilkington, for an Alteration of the Poor Law.—By Mr. Traill, from Caithness, for an Alteration of the Poor Law (Scotland).—By Mr. D'Eyncourt, from Lambeth, and other Places, for the Protection of Women Bill.—By Mr. Ewart, from Kirkcudbright, against the Public Health (Scotland) Bill.—By Mr. Brotherton, from Saddleworth, for an Alteration of the Sale of Beer Act.

MARRIAGES BILL.

The House went into Committee on this Bill.

Clause 1 was agreed to.

On Clause 2,

MR. STUART WORTLEY proposed the insertion of some words, the effect of which was to prevent marriages with a deceased wife's sister being considered as valid in cases where adulterous intercourse had taken place between the parties previous to their marriage.

MR. GOULBURN then said, that there could not be a greater proof of the general dissatisfaction felt at the arrangement which his right hon. Friend proposed to make, than the fact that he now thought it necessary to propose exceptions to the validity of marriages, which, under other circumstances, he proposed should be lawful, though they had, heretofore, been held to be incestuous. He understood his right hon. Friend to propose, that in cases of marriages with a deceased wife's sister, there should be an exception made, if the husband could be shown to have committed adultery with his second wife, during the lifetime of his first; that then his marriage with his deceased wife's sister should be deemed illegal. But of such a state of the law, he apprehended that no wife would take advantage; and it was manifest, that the exception had been introduced for the purpose of inducing the public to accept a measure otherwise repugnant to their feelings; it was a delusion. How could the guilt of a husband be proved, unless his wife brought him into court? A wife might be strongly irritated against her husband, but, for the sake of her own offspring, to prevent the disgrace of her sister, of all her sisters, she would refrain from going into a court of justice to prove her husband's guilt; no woman of the least delicacy would do such such a thing, and the proposed exception would be no protection to any wife. The introduction of it only showed what extremes the promoters of the Bill had been reduced to, for the purpose of rendering it acceptable to the public. The attempt would not be successful; no alteration would render the Bill palatable, and the more they endeavoured to improve it, the more strong did the objections to the measure evidently appear.

MR. STUART WORTLEY did not think the proposed exception liable to the strictures of his right hon. Friend. The exception was proposed in deference to the opinion, that a change in the law would afford temptation to illicit intercourse between the husband and wife's sister. For his part, he utterly disbelieved that it would have that effect. On the contrary, judging of the high character of English women, and the high tone of their social system, he believed, that so far from affording any temptation to an increase of that evil, it would have directly the contrary effect. Personally, he did not attach much value to the exception, as he thought the cases would seldom or ever arise.

Clause 2, as amended, agreed to.

On Clause 3,

MR. HOPE, on the part of Mr. Roundell Palmer, moved, in line 14, after the word "that," to leave out to the end of the clause, and insert instead the words following :—

> "Nothing in this Act contained shall be deemed or construed in any civil or ecclesiastical court of this realm to alter or in any wise affect any doctrine, canon, or law ecclesiastical of the United Church of England and Ireland, or of the Church of Scotland, whereby the degrees of consanguinity and affinity, within which marriage is now held to be prohibited by the doctrine and discipline of the same Churches respectively are settled or defined; and no clergyman, minister, or officer of either of the said Churches shall be required or authorised, by virtue of this Act, to solemnise or grant any license for solemnising any marriage contrary to the doctrine or discipline of the Church of which he is such clergyman, minister, or officer; nor shall any such clergyman, minister, or officer who may hereafter solemnise or grant any license for solemnising any such marriage, be exempted, by virtue of this Act, from any spiritual or ecclesiastical censure or punishment to which he would by law be subjected if this Act had not been passed."

MR. STUART WORTLEY admitted, that the Amendment referred to a very important and very difficult part of the question. His desire had been to remedy a great social evil, with as little interference as possible with the authority of the Church; and, with that view, he had framed the present clause; leaving it to the free unfettered judgment of the clergy to celebrate the marriages or not as they should think fit. He had hoped, that the clause so framed, would have met with the general sanction of the established clergy; and he had in his pocket the expressed approval of the clause by a large number of them. He desired as much as possible to consult the wishes of the clergy. He thought, that in that respect, he had been somewhat successful; and he might instance the authority of Dr. Hook, in support of that assertion. Dr. Hook stated, that if he were a member of convocation, he should not hesitate to move the repeal of the 99th canon; but, of course, as long as that canon remained in force, neither Dr. Hook, nor any other clergyman, who felt himself bound by it, could celebrate marriages contrary to its injunctions. As to the Amendment, he desired to consult the wishes of the House, and he should certainly not give up the Bill, even supposing that Amendment carried. He begged further to observe, that it did not appear to him, that the canon prohibited the celebration of any marriages, excepting such as were against the law of God. The canon was not of undisputed authority; it was one of the canons of 1603, which were passed—not by a convocation —but by a mere provincial synod of Canterbury, which had never been confirmed by Parliament, and which had been resisted by many of the clergy. The Bishop of Llandaff, in his *History of the Church*, stated, that these canons were not held to bind the laity, except when they spoke the language of the previous law; and, that many of them had been superseded by Acts of Parliament. He (Mr. Wortley) considered, then, that the best course would be to leave that clause as it at present stood.

The CHAIRMAN observed, that the Amendment amounted, in point of fact, to the substitution of a new clause. The Amendment, therefore, must take this form. The hon. Gentleman must first move the omission of the present clause, and, subsequently, move the insertion of his own clause.

MR. MUNTZ said, the question at issue appeared to him to lie within very small compass; and to be, whether they were to take their own exposition of the Bible, or that of the canons of the Church. For his own part, he would never concede to any man the right of expounding to him what was the proper translation and exposition of the Bible; and he had never seen anything in the Bible which led him to believe, that there was any religious objection to a man's marrying his wife's sister. He had known many cases where such marriages had taken place, and he had seen great advantage derived from them, even in his own family. He considered, that if the Amendment were carried, the better plan would be, to withdraw the Bill, as the adoption of the Amendment would, in his opinion, destroy the whole advantage of the measure.

COLONEL THOMPSON said, that some of those organs of public opinion which were supposed to be connected with the opponents of this Bill, had lately begun to find out that not only were marriages with a wife's sister permitted by the Levitical law, but that they were absolutely ordered and enjoined; and that a man might have his face slapped with a slipper—no doubt a great indignity—if he neglected to execute the Mosaic law by marrying his brother's widow. Hon. Members had heard of a mistake which was committed during the existence of the Star Chamber, when one of the commandments was printed without the word "not." "Thou shalt commit adultery" was the reading given of the commandment; and many were said to have been those who went by that copy. The same was the case now; in the appeals made to Scripture before that House, there was always a "not" put in, or a "not" left out. Now those who read for themselves, would find that there was a Mosaic commandment that in certain cases a man should marry his brother's widow; and what God commanded to some, He left free to all. He might quote to them the memorable instance in which the Author of Christianity was pressed with a question on this very point, as to what was to become in a future state of the widow who had married seven brothers in succession. And did He say that was a thing contrary to the law? No; He said coolly and without intimation of blame, that there were circumstances in the future state which were not connected with man's associations in this world. He (Colonel Thompson) was glad to express his opinion of the necessity for passing the present Bill; for he believed that the existing law was a source of great distress, and immorality too, to a large number of persons in this country. He must say, however, that he thought it was unnecessary to extend the permission to marrying a wife's niece; for he had not heard of anybody who wanted to marry his wife's niece, though many persons wished to marry their wives' sisters. The position of the two were anything but the same.

MR. MANGLES considered that the adoption of the Amendment would destroy the whole force of the Bill. There were many clergymen of the Church of England who had no objection to celebrate these marriages, but the Amendment would put an unnecessary burden upon the consciences of ministers of that Church. He thought the clergy ought to be left to the guidance of their own minds as to whether the canon was obligatory or not; and he hoped therefore that the right hon. and learned Gentleman the Member for Buteshire would resist the introduction of the Amendment.

MR. GLADSTONE observed, that he thought a most extraordinary principle was involved in this Bill — namely, that it should be left to every clergyman to determine the force and validity of the laws under which he was placed, and which he had sworn to obey. The consequence of that proposition would amount to the solemn establishment of perfect anarchy, possibly a little aggravated by perjury. He proceeded on the assumption, that the canons were Church laws—he meant in the narrow and confined sense of clergy laws. Surely, after these canons had been acted upon in courts of justice for nearly 250 years, it was a little too late to say that, because certain individual clergymen objected to them, it was doubtful whether they were binding or not. Neither could it be contended that because some of these canons were obsolete, they were not therefore law; for there were on the Statute-book many statutes which were obsolete, but that circumstance did not in the least degree diminish their legality and binding force. Could there be a doubt about the validity of these canons when not a year passed without a clergyman being suspended or deprived under their authority? The right hon. Gentleman who introduced this measure had stated that these canons were adopted in a mere synod of the province of Canterbury; but they had not had such a thing in this country as a convocation; there had been nothing beyond a synod of the province of Canterbury, which passed laws which were accepted by the synod of York. The 99th canon merely declared what was the sense of the word of God, and there was nothing ambiguous in its terms. It was in these words:—

"No person shall marry within the degrees prohibited by the laws of God, and expressed in a table set forth by authority in the year of our Lord 1563."

This was not a canon of mere ecclesiastical law; it was a canon declaring the sense of the word of God. He maintained that the present Bill would create perfect anarchy with respect to the law of the Church; for the principle the Bill would establish was this—that Parliament might, of its own sole authority, establish a perfect anarchy and disregard of law with regard to any doctrine of religion whatever. But if hon. Gentlemen thought the force of the canon was doubtful in England, he would take the case of Scotland, where there could be no doubt as to the law; and he would say that the effect of this Bill would be to establish anarchy in the Church of Scotland with regard to this particular point. He considered that the Amendment, which entirely disposed of the ecclesiastical question, would greatly mitigate the social objections to the Bill. He feared that the consequences of the Bill as it stood would be to destroy altogether the recognition in the law of the country of the true Christian and Scriptural standard with regard to marriage; but, if the Amendment were adopted, the Scriptural and Christian standard would still be recognised by the Churches of the three countries. He would therefore support the Amendment.

Sir G. GREY said, that it appeared to him that the clause as it then stood was preferable to the Amendment. The first portion of the Amendment appeared to him inconsistent with the second clause of the Bill, to which they had already agreed, by which it was provided that no marriages sanctioned by that Act should be annulled or pronounced void by any sentence of the ecclesiastical courts. The effect of the Amendment would be to exempt ecclesiastical courts entirely from the operation of the Bill, and he thought it would be very dangerous to insert that Amendment without duly considering whether, by so doing, they would not virtually repeal the only valuable portion of the measure—namely, that these marriages should not be annulled. The second portion of the Amendment proposed to go further than was proposed in Clause 3. That clause provided that no clergyman should be compelled to celebrate these marriages, and should not be held liable to penalties if he did. The Amendment proposed, that any clergyman celebrating such marriages should be subject to ecclesiastical censure or punishment to which he would by law be subject if this Act had not been passed. He thought, if a proviso of that kind were adopted, it ought not to induce the right hon. and learned Gentleman to throw up his Bill. There were two words in the Amendment to which he also objected, they were "or authorised." He thought that marriages ought clearly to be valid, whatever punishment the clergyman might be liable to for celebrating such marriages; it would otherwise be a great hardship upon the parties who might form such unions. If the hon. Member divided the House upon the question, he should certainly give his support to the original clause.

Mr. STUART WORTLEY said, the result of the discussion which had taken place on this subject, was to satisfy him that he ought not to consent to the Amendment. The right hon. Gentleman the Member for the University of Oxford had referred to the 99th canon. Now, he (Mr. Stuart Wortley) had expressed no doubt as to the intention of the parties who drew up that canon; but he held, that in the case of a criminal suit against a clergyman, the court, putting a strict construction on the terms of the canon, would be bound to say that no clergyman should be visited with any penalty unless they conceived it was clearly proved that the marriage was not only contrary to Bishop Parker's table, but also against the law of God. The right hon. Gentleman had said that no laws of the Church had been imposed otherwise than by the provincial synod of Canterbury; but he (Mr. Stuart Wortley) found that the Articles of the Church of England were passed in convocation in London, and were agreed upon by the archbishops and bishops of both provinces. He was informed, also, that the 99th canon was not one of those canons subscribed by clergymen at their ordination.

Mr. GOULBURN observed, that his right hon. Friend, in order to defend his Bill, had been forced to impugn the authority of the whole of the canons. The right hon. Gentleman told them that those canons were not passed by competent authority, and that the clergy might obey them or not, as they pleased; and he proposed to overthrow the whole law by which the clergy were governed. This was one of the evils incident to that wrong step in legislation which the right hon. Member for Buteshire had advised the House to take. He recommended his hon. Friend the Member for Maidstone not to take the sense of the House at present on the Amendment, because there might be objections to it as it stood, and further time required for consideration.

Mr. BECKETT DENISON said, that he had presented a number of petitions from the constituency which he represented, in favour of the Bill, and a great number of them were signed by the clergy—clergy of the highest standing; and he was quite sure those clergymen would not have signed these petitions unless they had taken all the bearings of the case into their most mature consideration. The Bill, as it stood at present, was to relieve the minds and quiet the consciences of a vast number of persons; and he trusted the House would pass it, on the ground of the opinions entertained in its favour by the large constituency which he represented.

Mr. A. HOPE would withdraw his opposition to the clause, on the distinct understanding that the discussion should be taken on the question of bringing up the report.

Amendment, by leave, withdrawn.

Clause agreed to.

Mr. FOX MAULE rose to propose a clause which had for its object the exemption of Scotland from the effects of this Bill. The hon. Member for the West Riding had just stated that he appealed to the House to enact this Bill on the ground that he represented one of the largest constituencies in England, and that the voice of his constituents was in favour of this measure. He (Mr. Fox Maule) spoke confidently in the name of the whole people of Scotland, and, for the reason stated by the hon. Member, entreated the House to exempt Scotland from the operation of this Act. He stated here, without fear of contradiction, and in the presence of the Lord Advocate, that this Bill was abhorrent to the feelings of the people of Scotland; there was not a clergyman in Scotland connected with the Presbyterian religion who was not ready to raise his voice in opposition to this measure. He stated, without fear of contradiction, that a high legal authority had stated that the law of the land, as well as the law of the Church in Scotland, pronounced these marriages, not, as in England, merely to be voidable, but to be totally null and void. The only ground that he had heard of for extending this Bill to Scotland, was for the purpose of establishing uniformity of law between the countries; and he asked the House whether, for the mere purpose of establishing uniformity of law, they should at once violate the feelings of the whole country? The subject now before the House had been so fully discussed on its merits as an ecclesiastical question, that into that part of the question it was not his intention to enter; but this he might state, that it was considered in its ecclesiastical view in Scotland by the best authorities Scotland ever had on the subject; by those men who took part in the Reformation, and through whose instrumentality the *Confession of Faith* was originally framed. He stated further than that, that after the word of God had been reviewed and explained by the authorities of the Reformed Church, that the civil authorities in Parliament simply ratified that view, not, as had been stated, as a law of the Church, but, in 1567, as the established law of the land. He went further, and stated that by the treaty of 1689, the ratification in the *Confession of Faith* was further ratified, as part of the law of Scotland; and by the treaty of union, the Sovereign of this country was bound to maintain that law inviolate. He could not see what evil or difficulty was to arise from want of uniformity of law between the two countries, when it was perfectly well known that from 1567 to 1835 there was no uniformity of law between the two countries on this subject, and no evil arose. He admitted that if the Amendment moved by the hon. Member for Maidstone had been carried, he should have been deprived to a certain extent of argument on this occasion; but as the matter now stood, what were the facts? This third clause said, that no clergyman celebrating one of these marriages should be liable to any pains and penalties of any court, civil or ecclesiastical. The result of this was that, contrary to the Act of Union, it was a direct interference with the authorities of the Church of Scotland, and enabled a clergyman to set at defiance his vows to obey the *Confession of Faith*, and the penalties which were attached to the non-observance of those vows. He had thought that this House and this country had had a lesson by which they ought to profit, of the extreme sensitiveness of the clergy and people of Scotland as to interference with their ecclesiastical law. Whether it were right or wrong, he belonged to a body who, thinking that Parliament had interfered with the ecclesiastical law as settled in the *Confession of Faith*, and ratified by the Act of Union, to the number of upwards of 400 clergymen, and 700,000 or 800,000 persons, had seceded from the Establishment, and given it a blow from which it would never recover. Let them beware how they again started the same elements of discord in what remained of the Church. Let them beware how they put in the power of any clergyman to set at naught his vows to obey the *Confession of Faith.* If they did this, the consequences would be not only further disruption in the Established Church, but it would be the utter annihilation of the Established Church in Scotland altogether; and he confessed he did not went to see that. He therefore called on the House not to take the step of extending this Bill to Scotland: first, as these marriages rarely took place in Scotland; secondly, on the ground that the idea of these marriages was abhorrent to the people of Scotland; and further, on the ground that they were making an unnecessary and rash attack on ecclesiastical authority in Scotland; and, lastly, that they were introducing a practice of marriage which had never yet had ground there. In every instance where these marriages had taken place, so offensive was it to the neighbouring people that the parties had been obliged to quit the neighbourhood. He therefore moved to bring up the clause of which he had given notice, to exempt Scotland from the operation of this Bill.

The LORD ADVOCATE was ready to give his right hon. Friend credit for sincerity in the representation he had made of the possible consequences of the Bill, and he was ready to admit that the people of Scotland generally—not all the people absolutely—had an aversion to marriages of that kind; but then such an admission was only an argument to him against making this Bill the law of England, or of Ireland, or of any one part only of the kingdom. The Bill, if it were passed into a law at all, must become the imperial law for these realms. He said, the prohibition which first appeared in the *Confession of Faith* in 1690, did not change the law of the land, which continued, as before, to depend on the construction that was given to the xviiith chapter of Leviticus. He did not allow, though he was aware that the general opinion of lawyers went the other way, that these marriages were bad by the law of Scotland; and when it was said that they were unknown in Scotland, that circumstance, instead of operating as a reason for excluding Scotland from the effect of the Bill, only showed that they might without fear include that country within it, unless they gave to the Scotch people but little credit for the sincerity of their religious feelings. What he wished his right hon. Friend to consider was, what the consequence would be if his clause were to be passed. Then, by the law of England a woman should be regarded as a wife, who, on passing into Scotland, would be received only as a concubine; and the issue would be legitimate on the one side of the border, who were illegitimate on the other; and all the arrangements of property would be disturbed by this anomalous state of the law. Nay, marriages received as valid in England, would be viewed as incestuous in Scotland. With these as the consequences of the clause of his right hon. Friend, he would much rather ten times that the Bill were entirely rejected, than that the law of the two countries should be reduced into such a state of contradiction.

Mr. FORBES said, that, admitting that confusion, such as was described by the learned Lord Advocate, was likely to arise, he did not think that the happiness of the whole mass of the people was to be sacrificed for the disturbance of the property of one or two individuals. He trusted that for the sake of the happiness of the great body of the people—for the sake, especially, of the poor—the House would exempt his country from the operation of this Bill.

Mr. DRUMMOND was surprised that the hon. and learned Lord Advocate did not remember that the state of confusion was precisely the state of the law at the present moment. The ecclesiastical reformers of former days were much more modest than the ecclesiastical reformers of this day; they did really and truly mean to reform the Church, by taking away all the evil, and leaving all the good; but Gentlemen in these days wanted to give us a new Christianity altogether. That was by no means the intention of the Reformers. The Reformers held the Christian doctrine which had been held without one dissentient from the beginning, and acknowledged the unanimous voice of the Church as the only voice of God to man. The right hon. Member for the University of Cambridge had said that the measure would introduce considerable confusion into every parish in England. He was surprised that it should have escaped the observation of his right hon. Friend, that that was precisely the thing which gave it so many powerful supporters in this House. They had no intention whatever of supporting the authority or preserving unity in the Church; on the contrary, every single measure, directly or indirectly, which could be propounded which tended to subvert and destroy that unity, they did most indefatigably support. There was also a very great confusion concerning the law of marriage as connected with the Church. All they had any business with in this House was to ascertain and direct to whom property should go. If they pleased that property should descend to the descendants of incestuous connexions, make it so; but what they called marriage in the Church had nothing to do with marriage in the State. Persons who thought there was something very solemn in that union, would certainly have their respective ministers ask the blessing of God upon that union; but would any law of theirs alter the law of incest? Would any law of theirs make a blessing descend upon that union which God had prohibited? Most unquestionably not; and they could not, by any excuses for clergymen, or any absolution from the penalties which they might incur, alter the effect of the law of God. They were wholly wide of the mark in entering into such questions; but he should confine himself at present to the clause before the House, and reserve the rest for the third reading of the Bill.

MR. OSWALD said, that it was not only the deliberate opinion of the people of Scotland, but it was the deliberate faith, that these marriages were incestuous, and it was, in the most distinct manner, so laid down in the formularies which were in the hands of every peasant in Scotland. There were 1,294 congregations in Scotland which held to the *Confession of Faith.* There was, in Scotland, the *Larger* and *Shorter Catechism.* In the 139th question of the *Shorter Catechism,* the dispensing with unlawful marriages was said to be forbidden by the seventh commandment. In chapter 24, sec. 4, of the *Confession of Faith,* these unlawful marriages were enumerated; and in the *Larger Catechism* unlawful marriages were referred to. If the hon. and learned Lord Advocate would refer to the *Directory for Public Worship,* he would find that persons about to marry were solemnly engaged to declare whether there was any disqualification. This book lay beside the Bible in every cottage in Scotland. If they passed this Bill, they would pass a Bill which no person in the House connected with Scotland had supported except the Lord Advocate. There had been examined before the Committee no laymen or clergymen connected with Scotland except the Lord Advocate. As the second reading of the Bill had passed, all he could do was to endeavour, by supporting the Amendment, to save the country from what he thought a great evil.

MR. STUART WORTLEY said, the sincere respect which he entertained for his right hon. Friend the Member for Perth and the people of Scotland, induced him to remove the misconceptions which appeared to prevail, and to explain how far the Bill would affect the law of Scotland. He felt, if he were trenching upon the *Confession of Faith,* he should be justly exposed to that wholesome jealousy with which the people ever since the Reformation had been led to guard it. But then it seemed to be entirely overlooked by some, that the Bill by no means forced these marriages upon the people of Scotland, so that their opinions and feelings were left intact. He granted there was a great distinction between the law of Scotland and the law of England; but he thought it would be very advisable that no such distinction should remain between different parts of the united kingdom. Now, as to Scotland itself, what happened? Why, that, year after year, clergymen of the Church of Scotland were in the habit of celebrating marriages of this nature. That was a fact which they had upon proof—upon oath—before them. At the same time, he did not mean to say that the Church approved of it. He would here take occasion to correct a misrepresentation which had unintentionally been made as to Principal Lee of Edinburgh. He said an individual had told him that marriage between himself and his wife's sister had been celebrated by the very rev. Principal, who, he said, was cognisant at the time of the circumstance. As he (Mr. Stuart Wortley) was incredulous about that part of the story, he had written to Principal Lee, who, in his answer, positively denied all knowledge of the circumstances of the parties. He said the clause of the Bill which protected from being sued, in the ecclesiastical or other courts, any clergyman who had celebrated a marriage of this kind, would still leave the Church of Scotland and her laws intact; and for this reason, that the courts of the Church of Scotland were not the courts of Her Majesty, and were, therefore, left possessed of all the power which they could ever claim. He opposed, then, any clause which tended to limit to a part of the kingdom the operation of this Bill, which, if it passed at all, ought to be an imperial measure.

Mr. ROUNDELL PALMER said, he was opposed to the principles enounced by the right hon. Gentleman—principles that were covered by the Amendment, which, through the assistance of an hon. Gentleman, he had proposed that day, and which he would renew at a future stage of the Bill. He said he never had heard with greater astonishment any statement than that made by the right hon. Gentleman, when he said that this Bill, containing the 3rd Clause, if it were to pass into a law, would still leave them the power of proceeding against a clergyman. His argument was, that they could not proceed against him for the affinity of the parties, but, by a legal quibble, for his violation of his oath. He (Mr. R. Palmer) was certain no court, after the passing of that Bill, could countenance a suit either on the ground of the *Confession of Faith,* or of the violation of the ordination vows of the clergyman. Why, that clause, in express words, protected the clergyman celebrating such a marriage from any suit in any of the ecclesiastical or other courts. It was the affinity of the parties only that made the marriage illegal; and the clergyman might openly set at defiance the vows he had taken, seeing that Parliament had relieved him from doing his duty to the ecclesiastical law of the country. That would be the effect of the clause as it stood. And it appeared to him that the Church of Scotland would have as good reason to complain of a Bill that would have such an effect, as of the strongest violation of the Act of Union. It was a matter of doctrine affecting both religion and morals.

Mr. STUART WORTLEY said, that the Bill merely provided that the affinity of the parties should not be a ground for proceeding against the ministers who might solemnise them; but it did not provide that they should not be liable to be proceeded against for any other cause.

Mr. HUME said, he was anxious to support the Bill, as applied to England, because it went to remedy many complaints and evils; but, as regarded Scotland, he must say, that every man he had been in communication with in that part of the kingdom was altogether averse to it, and prayed that that House would not meddle with the law of marriages in Scotland. The right hon. Gentleman said that what was good for England was good for Scotland. But, if so, was he prepared to suggest that the Court of Session should be brought up to Westminster, or to propose that there should be a uniformity between the laws of the two countries? The right hon. Gentleman admitted even that he did not intend to apply the Bill to Scotland generally: applying it to a small part of Scotland only, made the anomaly still greater.

Mr. J. O'CONNELL moved the addition of words including Ireland in the exemption from the operation of the Bill, believing that it would inflict a heavy social evil upon that country. Reference had been made to the dispensation of the Pope, as a justification of the measure. But the present law was in favour of that of the Church of Rome. Dispensations were the exceptional cases; and if he had to choose between them and the law, he would prefer the law.

Mr. FOX MAULE said, he had no objection to do for Ireland what he would do for Scotland. He had not heard a word to shake his determination to take the sense of the House on the question. The right hon. Gentleman had said that his wish was to relieve the clergymen of the Church of Scotland from the difficulty to which they were subjected year after year by celebrating marriages of this description. But if a clergyman was so careless as to celebrate marriages without making due inquiry as to the parties, and satisfying himself respecting them, he would leave him to suffer the full penalty of the law.

Mr. STUART WORTLEY, on the same principle as that just enunciated by the right hon. Gentleman, could not concede to Ireland an exemption which he wished to refuse to Scotland.

Mr. NAPIER said, that he was not aware of any single Protestant, Roman Catholic, or Presbyterian minister in Ireland, who had asked for such an interference with the law of marriage as the Bill proposed to effect.

Mr. STUART WORTLEY said, that the hon. and learned Gentleman could not have read the report, or he would not have made such an assertion. There were several letters from ministers of those religious denominations contained in the report:

amongst others one from the Archbishop of Dublin.

MR. J. O'CONNELL said, that the evidence of the right rev. Dr. Wiseman was in favour of the Bill only in England, his reason being, that as the Roman Catholics in England were only a minority, it was desirable to encourage intermarriages.

Clause as amended :—

"And be it enacted, That this Act shall not extend to Scotland or Ireland, nor shall anything therein contained alter, or be construed to alter, the Law relating to Marriage in either of those two Countries."

Motion made, and Question put, "That the Clause, as amended, be added to the Bill."

The Committee divided:—Ayes 66; Noes 119: Majority 53.

List of the AYES.

Bailey, J. jun.
Baillie, H. J.
Bennet, P.
Beresford, W.
Berkeley, C. L. C.
Blackstone, W. S.
Boldero, H. G.
Bouverie, hon. E. P.
Bowles, Adm.
Buck, L. W.
Buller, Sir J. Y.
Christy, S.
Cocks, T. S.
Cowan, C.
Drummond, H.
Duff, G. S.
Duff, J.
Duncombe, hon. A.
Duncuft, J.
Dundas, G.
Dundas, rt. hon. Sir D.
East, Sir J. B.
Edwards, H.
Farnham, E. B.
Fellowes, E.
Foley, J. H. H.
Forbes, W.
Fordyce, A. D.
French, F.
Gladstone, rt. hn. W. E.
Goddard, A. L.
Gordon, Adm.
Goulburn, rt. hon. H.
Greenall, G.
Greene, T.
Haggitt, F. R.
Hastie, A.
Hodges, T. L.
Hood, Sir A.
Hope, A.
Hotham, Lord
Howard, hon. E. G. G.
Hughes, W. B.
Hume, J.
Jones, Capt.
Lewisham, Visct.
Lindsay, hon. Col.
Lowther, hon. Col.
Mackenzie, W. F.
Mackinnon, W. A.
Matheson, Col.
Morison, Sir W.
Napier, J.
O'Connell, J.
Palmer, R.
Patten, J. W.
Plowden, W. H.
Richards, R.
Sandars, J.
Scott, hon. F.
Spearman, H. J.
Sullivan, M.
Talfourd, Serj.
Traill, G.
Villiers, Visct.
Villiers, hon. F. W. C.

TELLERS.
Maule, rt. hon. F.
Oswald, A.

List of the NOES.

Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Arkwright, G.
Bagshaw, J.
Baines, M. T.
Barnard, E. G.
Barrington, Visct.
Bass, M. T.
Bellew, R. M.
Benbow, J.
Birch, Sir T. B.
Brand, T.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Buxton, Sir E. N.
Cardwell, E.
Carter, J. B.
Caulfeild, J. M.
Chaplin, W. J.
Clay, J.
Cobden, R.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Colvile, C. R.
Copeland, Ald.
Craig, W. G.
Crawford, W. S.
Dawson, hon. T. V.
Denison, E.
D'Eyncourt, rt. hon. C. T.
Dodd, G.
Duncombe, T.
Forster, M.
Fortescue, C.
Fox, W. J.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gibson, rt. hon. T. M.
Glyn, G. C.
Greene, J.
Grenfell, C. P.
Grosvenor, Lord R.
Grosvenor, Earl
Harris, R.
Hastie, A.
Hayter, rt. hon. W. G.
Heald, J.
Heathcoat, J.
Heywood, J.
Heyworth, L.
Hill, Lord M.
Hobhouse, T. B.
Humphery, Ald.
Jackson, W.
Kershaw, J.
King, hon. P. J. L.
Langston, J. H.
Lemon, Sir C.
Lewis, G. C.
Littleton, hon. E. R.
Locke, J.
Lushington, C.
Mangles, R. D.
Marshall, W.
Martin, J.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Mostyn, hon. E. M. L.
Muntz, G. F.
Mundy, W.
O'Brien, Sir L.
Ogle, S. C. H.
Pechell, Capt.
Philips, Sir G. R.
Pigot, Sir R.
Pilkington, J.
Pryse, P.
Rawdon, Col.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Salwey, Col.
Scholefield, W.
Sidney, Ald.
Smith, J. B.
Smyth, J. G.
Stansfield, W. R. C.
Strickland, Sir G.
Stuart, Lord J.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Tufnell, H.
Tynte, Col. C. J. K.
Vane, Lord H.
Villiers, hon. C.
Waddington, H. S.
Walmsley, Sir J.
Wawn, J. T.
Westhead, J. P.
Willcox, B. M.
Williams, J.
Willyams, H.
Worcester, Marq. of
Wrightson, W. B.
Wyld, J.
Wynn, rt. hon. C. W. W.
Wyvil, M.

TELLERS.
Wortley, S.
Spooner, R.

House resumed.

Bill reported; as amended, to be considered on Friday.

COPYHOLDS ENFRANCHISEMENT BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

MR. CHRISTOPHER appealed to the hon. Member for Cockermouth whether at this hour in the afternoon (half-past four), and at this late period of the Session, he seriously intended to proceed with the measure? If the Bill were to pass, it would be giving the sanction of the House to a direct interference with private property.

That being the nature of the Bill, the question involved was far too important to be disposed of at this period of the Session, and within an hour and a half of the adjournment for the day. It was a measure which was compulsory on the side of the landlord, but not on the side of the tenant, and it was, therefore, partial and one-sided. It was now proposed to compel an individual to part with his property under an arbitrary arrangement, whatever value he might place upon it, at a price which certain commissioners might choose to award him. He had received strong representations against this measure from a great part of his constituents in Lincolnshire, where a great number of copyhold tenures existed, and upon all these grounds he should oppose the further progress of the Bill.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Viscount **GALWAY** also opposed the Bill as a one-sided measure. He had had communications with many lawyers on the subject, who were all opposed to the Bill.

Mr. **AGLIONBY**, in answer to the appeal made to him not to prosecute the measure, said he had satisfied his mind that it was a just and equitable one; that it was one most desirable to the country; and that it was not an undue interference with the rights of property. Convinced of this he should, so far as his abilities extended, endeavour to pass the Bill this Session; and if he failed in that, would certainly introduce it in the next. He objected to the time which the opponents of the Bill had selected to declare themselves. The second reading was the usual stage at which objections were taken to the principle of a measure; and if the adversaries of the Bill had taken that course, and the House had agreed with them, his own time and that of all hon. Members would have been saved. There were no objections made which could not be met by alterations to be made in the Committee; and as to the complaints which had been made against the form of the Bill, the plain truth was, that whatever the form in which he might have introduced a Bill for the enfranchisement or commutation of copyholds, he should have been met with precisely the same opposition. The feeling of the country was with the principle of the Bill, and by the division upon the Amendment the people would know who were and who were not in favour of a measure so much demanded.

Mr. **GOULBURN** said, that in his opinion the measure was founded on a most unjust principle; and after adverting briefly to the origin of copyholds, he observed, that in a long series of years that tenure was become much stronger than had been originally intended; so, in consequence of that increase of strength, the hon. Member thought it justifiable to compel the lord of the manor to abandon his rights. The hon. Member, by his Bill, gave no right to the landlord to obtain possession of a copyhold by paying an equivalent value; not that he (Mr. Goulburn) so much objected to that omission, because the landlord being, generally speaking, a person of greater power than the copyholder, might, having that right, use it to detach property in cases where it had been very long held in copyhold. But, on the other hand, it was unjust to give the tenant power to compel the landlord, under all or any circumstances, to part with his property, at whatever inconvenience, in a pecuniary or any other point of view. If he had been aware this Bill was coming under discussion, he should have been prepared to show how this power would operate most injuriously upon the property of the lord of the manor. There were cases in which copyholds ought to be enfranchised; but this had always been done by mutual agreement, and the injustice lay in compelling one side only to part with his property, whether he desired to do so or not. It appeared to him that if the Bill passed, neither more nor less injustice would be done, than if the landlord of a farm were to be compelled to sell that farm to the tenant of it upon the valuation of commissioners. For these reasons he should oppose going into Committee.

Sir G. **STRICKLAND** said, he should indeed be extremely surprised if such a Bill as this proceeded one step further in this House, for he could scarcely bring himself to believe in the possibility of even the attempt at such unjust legislation having been made. It was, at all events, a one-sided Bill. What he should like to see was, an endeavour, if it were just and equitable, to get rid of all copyholds by making landlords and tenants agree to a commutation; but this Bill proposed no such thing. It only gave the option to the tenant, and none to the landlord. He must say, he thought the measure nothing less than a confiscation of property. They were living in times in which interference with property had been carried very far, and he believed that there was no instance in which the rights of property had been so far invaded as in the case of railways. But in that case there was a great public necessity, or at least a great public convenience. Facility of conveyance was held to be a great national object; but he appealed to the House to decide what great national object was involved in landlords being forced to give up their copyhold rights. The only pretence put forth was, that it would be a convenience to tenants; but even if that were so, why should the landlord be denied a corresponding right on his side? He believed that this Bill was framed in direct opposition to the report of the commissioners in 1838. That report recommended a compulsory measure to get rid of copyholds; but this was not a compulsory measure. He could wish to abolish the copyhold courts, which were in a deteriorated and degraded position; formerly they were held at the court-house, but now too generally the courts were held in alehouses. But this Bill did not even do that; for it would force the lord of the manor, after compelling him to give up his rights, and when his interest in the property had ended, to hold this miserable court for the benefit of the interests of some other persons. The Bill perpetuated all the abuses of these copyhold courts.

MR. FELLOWES said, he did not know much about the north, but certainly the feeling of the south of England was against this Bill; and if the hon. Member for Cockermouth persisted in forcing it before the House, he would find there were always Members enough to oppose unjust legislation. He opposed the measure as palpably one-sided.

MR. HUME expressed his astonishment that hon. Gentlemen interested in copyhold property should not be anxious to put an end to the troublesome and expensive system with which it was connected. He did not think this the very best Bill which could be devised for that purpose; but let them go into Committee, and they might amend it.

Question put, "That the words proposed to be left out stand part of the Question.

The House divided:—Ayes 60; Noes 71: Majority 11.

List of the AYES.

Alcock, T.
Bagshaw, J.
Baillie, H. J.
Baines, M. T.
Bass, M. T.
Benbow, J.
Bright, J.
Brotherton, J.
Brown, W.
Burroughes, H. N.
Chaplin, W. J.
Clay, Sir W.
Cobden, R.
Crawford, W. S.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Forster, M.
Fox, W. J.
Frewen, C. H.
Glyn, G. C.
Greenall, G.
Grenfell, C. P.
Guest, Sir J.
Hardcastle, J. A.
Hayter, rt. hon. W. G.
Headlam, T. E.
Henry, A.
Heyworth, L.
Howard, hon. C. W. G.
Humphery, Ald.
Jervis, Sir J.
Kershaw, J.
King, hon. P. J. L.
Lacy, H. C.
Langston, J. H.
Lewis, G. C.
Lushington, C.
Marshall, J. G.
Masterman, J.
Matheson, Col.
Morris, D.
Muntz, G. F.
O'Brien, J.
Pearson, C.
Pechell, Capt.
Pilkington, J.
Rice, E. R.
Salwey, Col.
Scully, F.
Sidney, Ald.
Smith, J. B.
Stansfield, W. R. C.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Villiers, hon. C.
Willcox, B. M.
Williams, J.
Wrightson, W. B.

TELLERS.

Aglionby, H. A.
Hume, J.

List of the NOES.

Arkwright, G.
Bailey, J.
Bailey, J., jun.
Barrington, Visct.
Bennet, P.
Beresford, W.
Berkeley, C. L. G.
Blackstone, W. S.
Boldero, H. G.
Bouverie, hon. E. P.
Bowles, Adm.
Brand, T.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Cavendish, hon. G. H.
Cobbold, J. C.
Cocks, T. S.
Coke, hon. E. K.
Compton, H. C.
Denison, E.
Dodd, G.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncuft, J.
Dundas, G.
Farnham, E. B.
Fellowes, E.
Foley, J. H. H.
Forbes, W.
Fuller, A. E.
Goddard, A. L.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grogan, E.
Haggitt, F. R.
Hallyburton, Lord J. F.
Heald, J.
Hood, Sir A.
Hope, A.
Hughes, W. B.
Johnstone, Sir J.
Jolliffe, Sir W. G. H.
Lewisham, Visct.
Lindsay, hon. Col.
Littleton, hon. E. R.
Lowther, hon. Col.
Mackenzie, W. F.
Morgan, H. K. G.
Morgan, O.
Mostyn, hon. E. M. L.
Napier, J.
Oswald, A.
Palmer, R.
Palmer, R.
Plowden, W. H. C.
Richards, R.
Robartes, T. J. A.
Smyth, J. G.
Spooner, R.
Strickland, Sir G.
Stuart, Lord J.
Stuart, J.
Villiers, Visct.
Villiers, hon. F. W. C.
Waddington, H. S.
Wellesley, Lord C.
Willyams, H.
Wyld, J.
Wynn, rt. hon. C. W. W.

TELLERS.

Christopher, R. A.
Galway, Visct.

Words added; Main Question, as amended, put, and agreed to.

Bill put off for three months.

MINES AND COLLIERIES BILL.

Order for Second Reading read.

Mr. T. S. DUNCOMBE moved the Second Reading of this Bill. He said, that notwithstanding the appalling number of accidents that had taken place during late years in collieries and mines, nothing whatever had been done by the Government to put a stop to them, or to introduce a better system. The present Bill had emanated from the working colliers and miners themselves. It had been discussed and agreed to by deputations from the mining districts in Scotland, England, and Wales, and they had asked him to submit it to the House for their approval and consideration. The principle of the Bill was merely that there should be legislative interference in favour of colliers and miners. With regard to the details, it was hardly necessary to discuss them at present. He would merely say of them, that it was proposed that Her Majesty should be empowered to appoint inspectors, who were to visit all collieries and mines at least four times a year, and to order such improvements in them as they should think necessary for the protection of the lives of those employed in them. The Bill also proposed that the men should work by weight instead of by measurement, as at present. The coalowner sold his coals by weight, and there was no reason why the working colliers should not be paid by weight also. He believed that in Northumberland and Durham this system had been adopted; but in some of the midland counties the system was to bring the coal to the surface, where it was measured, and the men were sometimes not paid for three or six weeks after the work had been done. Again, if stones or other foul matter were detected in the coal, penalties were imposed, which left hardly any wages whatever to the men. It was not necessary for him to call the attention of the House to the appalling loss of life that was constantly taking place in collieries. During the last two years, since he had first given notice of a Motion on this subject, no less than 5,000 lives were computed to have been lost in the coal mines of this country. In some cases it was no doubt beyond the power of man to prevent accidents, but he thought that, as far as human skill and experience could go, there was no excuse for not providing a remedy.

Mr. HUME seconded the Motion. The question was one of vast importance, as it was notorious that there were more lives actually lost in the coal mines of England every year, than by all the shipwrecks that took place among the vast mercantile marine of the country. Considering the number of families thus left without support, it was most important that some measure tending to prevent this fearful destruction of human life should be adopted. He was against any legislative interference between masters and men as regarded wages, and there were, therefore, some of the details of the Bill which he could not approve of; but the great question of ventilating mines was another matter, and one that could be at once carried into effect. At some of the inquests lately held on these dreadful accidents, remedies had been pointed out that were easy of application, and when the Government neglected to apply those remedies, he thought the House was bound to take into its serious consideration a measure emanating from the working colliers themselves.

Motion made and Question proposed, "That the Bill be now read a Second Time."

Sir G. GREY said, that he had received communications from persons in the colliery districts on the subject of this Bill; and he had paused before rising to address the House, under the impression that those parties would have instructed their representatives to bring forward some of their objections in the House. As they had not done so, however, he would proceed to consider the nature of this measure. But before going further, he begged to express the satisfaction he felt, and in which he was convinced the House generally participated, at seeing his hon. Friend able once more to take his place among them, and his earnest hope that the hon. Gentleman's health was so completely restored that he would be able to take an active part in all their future deliberations. He fully agreed in what his hon. Friend and the hon. Member for Montrose had said as to the great importance of providing some remedy against the recurrence of these most disastrous accidents; but he thought his hon. Friend had rather considerably overrated the number of deaths from accidents in collieries when he fixed it at 5,000 in two years. But, without minutely criticising that statement, it was obvious that a great number of deaths did take place, and that it was most important to diminish the number as far as possible. He used the word "diminish," because when coal mines were worked on so extensive a scale as in this country, it was impossible to guard against accidents altogether. Within the last two years the attention of Government had been repeatedly directed to this subject, and much valuable information had been collected and laid on the table of the House as to the practice pursued on the Continent with regard to the inspection of mines. There was one passage in Mr. Tremenheere's report to which he wished to draw the attention of the House:—

> "In this country, if the compulsory powers of the continental system of inspection were adopted, no one would be able to open a new colliery without first submitting his plans to a Government inspector for approval. This would involve the necessity of such a number of inspectors, and such an amount of minute interference, that I apprehend it would be deemed entirely at variance with the principle of private enterprise and individual responsibility in this country, however applicable it may be on the Continent, where various usurpations from time to time upon private rights have transferred all mineral property from individuals to the hands of the Government."

As to the compulsory inspection, he had no objection whatever to it. He begged to observe, that when he spoke of having had communications from parties interested in the matter on this subject, he did not mean merely those who were interested in mines as owners. His opinion was that it was better to have, in the first instance, inspectors appointed who would make a general report on the mines, and more especially on the system of ventilation adopted, after which the House would, he believed, be much better able to legislate on the question than otherwise. In the meantime, he thought it was extremely desirable that no portion of the responsibility which justly attached to the owners, should be transferred to the Government or to Parliament. If the inspectors discovered any defective system in any of these mines, immediate notice should be given to the managers, to the public, and the persons employed in it, and to the Government. There ought to be a power also given to those inspectors to call for the production of maps and plans, in order to enable them to make their inspections more perfect; but there would no doubt be great objections entertained, from the jealousy often existing among those parties to having the maps and plans of the mines open to the inspection of the public generally. The objection he most entertained to this Bill was, that it proposed to establish a very extensive and a very expensive machinery to carry it into execution, whilst it would transfer the safe management of a large number of collieries from their owners and managers to the Government. His hon. Friend proposed that every colliery should be visited four times in the year by inspectors. Now, in order to effect that purpose, an enormous staff of inspectors would be necessarily required, who must be paid out of the Consolidated Fund. He (Sir G. Grey) was not without a hope that some means might be found for providing the charge of inspection without placing it upon the Consolidated Fund; at all events, he thought the system of inspection ought not to be upon the extensive scale proposed by his hon. Friend, for it would involve an expense far beyond the necessities of the case. He further objected to any mixing up of clauses for inspection with clauses for regulating the payment of wages. He recommended his hon. Friend, in this or any future measure of which he might take the charge, to separate these two topics, for he would find it inexpedient to lay down a general rule which could not be applicable to the various mining districts in the country. A very important point was referred to in Mr. Tremenheere's report. It had reference to the education of the colliers. The Bill of his hon. Friend contained a clause providing that the inspectors should have practical experience in mines for ten years. But what was wanted was this qualification in those who were overlookers. On this subject, Mr. Tremenheere said—

> "No one can be conversant with the great benefit that the admirable schools of mines in France, Belgium, and Germany confer on those countries, without a regret that this country has so long neglected such obvious means of usefulness. The foundation on which such a school might be established has been already laid in this country in the Museum of Economic Geology, which corresponds to the valuable Museum of the School of Mines in Paris."

He (Sir G. Grey) had had frequent communications upon the subject with Sir Henry de la Beche, and he was bound to say that no man could be more anxious that means should be taken, through the medium of the Museum of Economic Geology, of diffusing information and promoting education in connexion with mining pursuits. Mr. Tremenheere further said—

> "The circumstance of the low qualifications of the persons entrusted in this neighbourhood with such important and responsible duties as underground steward, has now attracted the serious at-

tention of all the principal owners and managers of collieries aroud Barnsley, and it was represented to me as their unanimous opinion, that immediate measures should be taken to create a class of men of greater knowledge and ability."

And he added—

> "I believe that, with the disposition existing in all the mining districts of this country to benefit by the progress of knowledge in such matters, the information which would be diffused by the inspectors, the emulation which would be created among colliery managers (as was observed by one of the witnesses at the late inquest), the force of public opinion, and in the last resort the fear of a coroner's jury in case a mine pronounced dangerous by the inspector was left unimproved, would in a very short time produce as good effects as the compulsory system of the Continent, reducing greatly the number of mines in which the principle or the amount of the ventilation is defective, and, therefore, leaving less opportunity for those accidents which are attributable to the carelessness and recklessness of the men."

A system of inspection, without compulsory powers for calling upon owners to produce maps, to enable the inspector to make the inspection in a manner that would be effectual as well as desirable, would, in his opinion, be inefficient; but he also thought it would be inexpedient to go beyond a general provision for that purpose. Public opinion, operating upon these reports, would, he believed, be found more effective for the purpose than any measure that House could produce of a restrictive character. With regard to the experiments lately made by Mr. Gurney, for the improvement of ventilation in mines, he had been asked why the Government did not enforce ventilation by law. His reply was, that if that system seemed likely to be successful, it would be the direct interest of owners and managers to adopt it. It would be wrong, in his opinion, for the Government to take up any proposal of that kind, and ask Parliament to render its adoption compulsory by owners and managers of collieries. The subject, he admitted, was one of great importance; but it was one requiring very delicate treatment, and he thought that by proceeding by slow degrees in enacting such laws as were found necessary, they would ere long be successful in providing measures that would be satisfactory in their application.

Mr. LACY characterised the Bill as full of repressive requirements, without being likely to realise its object. The right hon. Baronet the Home Secretary had omitted to say whether he would support the second reading—a point upon which the House ought to be informed. There was no specific for ensuring that explosions should not take place in mines; and if hon. Gentlemen would refer to the inquests upon the bodies of those who had perished in them, they would find that in ninety-nine cases out of a hundred the catastrophe had arisen from the carelessness of the men themselves. He knew a case in Lancashire, where a workman insisted upon opening a certain part of the mine, where he knew that five men were at work. The consequence was that ignition instantly took place; and, though the lives of the men were happily saved, it cost the proprietor between 300*l.* and 400*l.* to extinguish the fire. Until there was some better knowledge upon these subjects among the miners, no legislative enactment ought to take place. He objected to the details of this measure. Who was to bear the expense of the proposed weighing of the coals at the pit's mouth? That operation would cost 6*d.* per ton; and it must either be paid by the workman or the consumer. There was, however, no need whatever for such a clause, for the men themselves knew how much they got. He objected, also, to the proposed interference with the system of paying wages, as uncalled for and unnecessary. The Bill referred to the appointment of three inspectors. But how could three inspectors visit every colliery in the country, as they would be required, four times in the year? There were 1,500 collieries in the country, which would make 6,000 inspections in the year. To comply with the Bill, then, every inspector must make 2,000 inspections in the year, or seven every day. It would be impossible for any men to perform the labour. The Bill was objectionable in many other respects, and he should give it his decided opposition.

Mr. MACGREGOR seconded the Amendment. He hoped the Bill would be withdrawn, for it was impossible the House could pass a measure which interfered so much with labour and its wages. If a good practical measure was introduced, the great mining interests connected with his own constituency would give it their support, for they were as anxious for practical legislation as any one of the parties who promoted this Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

The **EARL of LINCOLN** also wished to recommend the hon. Gentleman to withdraw the Bill. The parties interested in the question felt considerable alarm at the legislation proposed by the hon. Member, believing that it would be impracticable, or that if practicable it would do very great mischief. After the promises held out by the right hon. Baronet at the head of the Home Department, he was sure the hon. Gentleman would be serving the interests he had taken in hand better by withdrawing the Bill, than by pressing the second reading, which, very likely, would be rejected by a considerable majority. As the representative of the most important mining district in Scotland, he was most anxious to secure the main objects at which the hon. Gentleman aimed. The only doubt was as to the means for carrying out those objects; but under the circumstances he was quite certain the hon. Gentleman would be taking the most judicious course by withdrawing the Bill for the present Session.

MR. AGLIONBY said, his name was at the back of this Bill along with that of his hon. Friend the Member for Finsbury, and the sole object of pressing the second reading was, that the principle might be affirmed. The details might be reserved for future consideration. There certainly was a necessity for legislation to protect workmen in mines from the fearful accidents which of late years had been so frequent.

MR. J. BAILEY, Jun., remarked that the Bill made it compulsory to alter mines in any way laid down by the Government inspector. If an accident occurred after proprietors had so altered their mines, and an action was brought to recover damages, who was to be liable? Were they or the Government to be liable?

MR. BRIGHT said, that the right hon. Baronet the Home Secretary had not stated what course he meant to take with regard to the Bill. The principle laid down by the right hon. Baronet was one which the House, he believed, unanimously agreed to. That principle was, that there should be some system of instruction, and that miners should have the means of obtaining all the information that science could afford them. By these means they hoped for a better management of mines. But this was not the principle of the present Bill. It was of a totally different character, and the hon. Member for Finsbury would himself acknowledge that. He was in favour of the principle laid down by the right hon. Baronet, but he was not in favour of the principle of this Bill. He hoped, therefore, the right hon. Baronet would not press the House to a division, and oblige Members to vote against the Bill, which would have the appearance that they were opposed to any inspection, which, however, was not the case.

SIR G. GREY said, he did not move that the Bill be read a second time that day three months, because he merely wished to suggest reasons which might influence the hon. Gentleman to withdraw the Bill. But if he pressed it to a second reading, he would vote against its further progress.

MR. T. S. DUNCOMBE was willing to leave the question in the hands of the Government, provided he understood the House to be favourable to legislation for the protection of life in mines. Voluntary inspection would prove absolutely nugatory. To be effectual, it must be compulsory; and if the Government were not prepared to affirm that principle, he would take the sense of the House upon the subject. All the objections to the Bill as it stood had come from the master class; and the hon. Gentleman opposite the Member for Bodmin had stood forward as the organ and champion of the fire-damp interest. No doubt all the masters were against the measure; but he did not see why there should not be an inspection of mines as well as of factories.

Amendment and Motion, by leave, withdrawn.

Bill withdrawn.

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, July 5, 1849.

MINUTES.] PUBLIC BILLS.—1ª Pupils Protection (Scotland).

2ª Loan Societies; Assaults (Ireland); Ecclesiastical Jurisdiction; Soap Duty Allowances.

PETITIONS PRESENTED. From Pembroke and Tenby, for Extending the Jurisdiction of County Courts.—By Lord Brougham, from Gloucester, Darlington, Hammersmith, and Fulham, against the Granting of any New Licenses to Beer Shops.—From several Places in Scotland and Ireland, for the Protection and Relief of Clergymen seceding from the Church of England.—From Belfast, that a Demand may be made on the Brazilian and Spanish Governments for the Liberation of all Slaves.—From Balymena and Coleraine, for the Better Observance of the Sabbath.—By the Marquess of Breadalbane, from the General Assembly of the Free Church of Scotland, for the Abolition of University Tests.

SCOTCH UNIVERSITIES—THE FREE CHURCH.

The Marquess of BREADALBANE presented a petition from the General Assembly of the Free Church of Scotland, complaining of the present system of tests adopted in the Universities of that country. The noble Marquess said, that at present all the professors of the Scotch Universities were required to belong to the Established Church. Now, their Lordships would be aware of the great divisions that had taken place in the Established Church of Scotland, which was now left in a minority, reduced to only one-third of the population; and the consequence therefore was, that by the existing test acts, two-thirds of the people were excluded from the benefits of the universities of the country. The same objection applied to the election of masters for the parochial schools of Scotland, the teachers being all required to belong to the Established Church. It was too late for a remedy to be applied during the present Session; but he trusted that a measure would be introduced next Session to remove the grievance complained of.

The Earl of HADDINGTON denied that the present university tests of Scotland operated as any practical exclusion; because, there being no real difference between the doctrines of the different religious bodies in Scotland, the tests could not be truly obnoxious to anybody.

Lord BROUGHAM thought the noble Marquess took a rather rose-colour view of his own religious community, when he said, that only one-third of the people of Scotland belonged to the Establishment. He (Lord Brougham) understood that the great majority of the Scotch people belonged to the Establishment.

The Marquess of BREADALBANE believed he was perfectly correct in stating that the different sects in Scotland who had at different periods seceded from the Established Church numbered about two-thirds of the population; but the best way to place the matter beyond dispute would be to move for returns.

Lord BROUGHAM said, that the various sects in Scotland, excepting the Episcopalians, held precisely the same doctrines, all the difference between them being merely a political difference.

Petition to lie on the table.

House adjourned.

HOUSE OF COMMONS,

Thursday, July 5, 1849.

Minutes.] Public Bills. — Administration of Justice (Vancouver's Island).

Reported.—Poor Relief (Ireland).

Petitions Presented. By Mr. Headlam, from Newcastle-upon-Tyne, for Universal Suffrage.—By Mr. Bankes, from Wareham, for Repeal of the Duty on Attorneys' Certificates.—By Lord Burghley, from Crowland, Lincolnshire, for Agricultural Relief.—By Captain Harris, from Leicester, for the Charitable Trusts Bill.—By Mr. Aglionby, from Highhead, for the Copyholds Enfranchisement Bill. — By Mr. Osborne, from Clerkenwell, against the Friendly Societies Bill.—By Mr. Spooner, from the Medical Officers of the Rugby Union, for Redress of certain Grievances.—By Mr. Wyld, from Bodmin, for the Protection of Women Bill.—By Mr. Grogan, from Dublin, for Sanitary Measures for Ireland.—By Mr. Thomas Duncombe, from a Public Meeting held in London, for Acknowledging the Roman Republic.—By Mr. Deedes, from Marden, Kent, for an Alteration of the Sale of Beer Act.—By Mr. Adderley, from Leek, for the Scientific Societies Bill (1848).—By Viscount Emlyn, from Pembroke, for an Alteration of the Small Debts Act.

POOR RELIEF (IRELAND) BILL.

The House having gone into Committee on the Poor Relief (Ireland) Bill,

Mr. LAWLESS proposed a clause for the suspension of the tenth clause of the Act 10 Vic., commonly called the quarter-acre clause, for a limited period. He begged to call attention to the various statements descriptive of the state of the Irish population, for the purpose of showing that a great deal of the evil of the present position was mainly attributable to the operation of this quarter-acre clause.

Clause brought up and read a First Time.

Sir W. SOMERVILLE said, that on the last day this Bill was under discussion the question was debated, whether they should cut off outdoor relief altogether; but the proposal now made by his hon. Friend would have the effect of giving outdoor relief to an unlimited extent; and, he asked, would it be safe to extend the provisions of the Poor Relief Act in the way his hon. Friend proposed? It could not be denied, that by the law, as it stood at present, great distress might exist under the operation of this clause; but they should consider whether the suspension of the clause would not lead to a much worse state of things. It should be remembered that there was a power vested in the board of guardians to suspend the clause if they thought fit; and even when a man gave up his land, it was in the discretion of the board to give him relief or refuse it. Therefore, supposing that a suspension of the clause should take place, it would be still in the discretion of the guardians to refuse relief. The House should recollect that the poor of Ireland were supported out of the means of the ratepayers, and they should take care that, by too great an extension of the law, those means should not fail altogether. For the reasons he had stated, he must oppose the Motion of his hon. Friend.

MR. ROCHE believed that the effect of the quarter-acre clause, forbidding outdoor relief to holders of more than a quarter of an acre until they had obtained a certificate from the landlord that they had given up their land, had been, during the late famine, to exterminate and depopulate entire districts.

MR. W. FAGAN knew that great numbers of persons had lost their land without legal process under the operation of this clause. Such was the tenacity with which land was held in Ireland, that there had appeared in the public papers the details of instances in which men had suffered their children to die of starvation rather than, by surrendering their land, to qualify themselves for receiving relief. It should be remembered that, as long as there was no produce on the soil, there was no difference between a holding of twenty acres and a quarter of an acre, for the occupier of twenty acres might be just as much in a state of starvation as the tenant of a quarter of an acre. But when they made the occupier of a few acres give up his land and go into the poorhouse, they made a permanent pauper of him, and took away every chance that he might have of regaining his former position.

MR. J. O'CONNELL regarded the Bill before the House as essentially a Landlord Bill; any changes in it were all in favour of the landlord, and against the tenant. It was horrible to hear the Government say, through the right hon. Baronet the Secretary for Ireland, that it was better for human beings to incur some risk of starvation, than to disturb the operation of the present poor-law in Ireland. He feared there was a policy not avowed in that House, but concealed and disguised, of allowing the famine to do its work in Ireland, and waste the population, and then good easy men in office told them it was a visitation of Providence which it was impossible to arrest. The operation of the quarter-acre clause was one which exposed the poorer inhabitants of Ireland not only to grievous suffering, but to the strongest possible temptations to fraud and deceit—destroying not only the body but the soul—imposing upon them not only degradation but crime.

SIR W. SOMERVILLE protested against the manner in which the hon. Gentleman who spoke last had imputed to him language that he had never used. The hon. Member ought to have known the importance of such a phrase as the "risk of starvation," and ought not lightly to impute its use to any Member of that House.

MR. J. O'CONNELL said, that if he misunderstood the right hon. Gentleman, he entirely withdrew the expression; but he thought the words "risk of starvation" were certainly used.

SIR W. SOMERVILLE denied that he had used the word "starvation" at all.

MR. POULETT SCROPE said, that the effect of the clause would be to decimate the people. He would not say that that object was intentionally pursued, but there was full knowledge that the result must be most disastrous. Its operation must be to compel a large proportion of the poor to give up their holdings, and the inevitable consequence of that must be to leave them and their children paupers for an indefinite time; in fact, they must continue to be paupers all their lives. Mr. Twisleton, the commissioner, thought the clause too stringent. Those who gave up their holdings went into the workhouse, to remain there for life, while a great many who refused to go remained in their cottage to die; and thus the Legislature was driving off the face of the earth an industrious, frugal, and estimable class of men. They had tilled their ground and planted; they were now within six weeks of the harvest, yet, if this clause passed, the law would say to them, "You must give up to others that which you have sowed, and go into the workhouses for the remainder of your lives—you and your children." It was of no use to talk of outdoor relief; on that their lives would not be worth a month.

MR. MONSELL stated, that the account given of the sufferings of the Irish poor was only too true. Many of them, with the greatest possible self-denial, had put seed in their ground; but they were now placed in such a position that they must either die or give up that ground. It was, however, not to be denied that there were great difficulties on the other side of the question; and he did not overlook the fact that under a former state of management the rents of the smaller landlords were paid out of the rates; those landlords arranged so as to have their tenants placed on the relief funds, and in that way contrived to get their rents. In whatever point of view the subject might be regarded, there could be no doubt of the difficulties by which it was surrounded; but he should nevertheless take the liberty of suggesting to the hon. Member for Clonmel to withdraw his clause for the present, and on bringing up the report to propose another clause, giving power to the commissioners to suspend the quarter-acre clause, whenever the justice of the case might require it. By such an arrangement he thought that the difficulties of the matter might be in a great measure obviated. He thought also that the law ought to be made clear respecting the power of the landlord to refuse to take the rest of their holdings from such tenants as were not willing to surrender the quarter of an acre and the house in which they lived. The first object which he sought was to give a discretionary power to the commissioners; the second, to have the law made more clear.

Sir DENHAM NORREYS considered the quarter-acre clause the only means left, in connexion with a poor-law, to preserve the independence of the yeomen of Ireland. It would be quite impossible to raise an adequate rate for the relief of all applicants, if the check imposed by the clause were removed. As it was, the check was waived by guardians in a large number of cases, which seemed to call for relaxation. There were returns from the unions of Ballina, Swineford, Westport, and elsewhere, showing no fewer than 4,566 cases in which this relaxation had been made, without insisting upon the surrender of the recipients' holding.

Mr. SCULLY was satisfied, by the arguments of his hon. Friend the Member for Clonmel, that it was necessary to suspend the clause. In the ordinary state of things, he would not be inclined to support the proposition, but an extraordinary state of things at present existed, and there were grounds therefore for suspending the clause. It was deplorable to think, that when the harvest could be reaped in a few months, the men by whom it was sown should be compelled to give it up and go to the workhouse.

Mr. SADLEIR said, the present state of affairs in Ireland was out of the ordinary course of events; and, therefore, he hoped the Government would see the expediency of giving the commissioners a power of dispensing with that clause if they deemed fit.

Sir L. O'BRIEN observed, that one class of persons was entirely kept out of view in this discussion, namely, the poor ratepayers. They would have to pay, as the law now stood, 7*s.* 6*d.* in the pound; and what would they say when they saw another person, holding perhaps a greater portion of land than themselves, receiving relief? Let the House then only consider the exasperation and annoyance that would result from the suspension of the clause. He saw all the reasons that were used on the other side, but felt that by suspending the clause they would bring the law into discredit, and render it utterly inoperative. He would exercise what he considered to be a sound discretion, by voting against the proposition of the hon. Member for Clonmel.

Lord J. RUSSELL conceived that what was really desirable was, that the poor-law should give as much relief as it was possible for any law of that kind to give. But if it was said that there was no case that should not be relieved by this poor-law, they would find that it would not answer that purpose. He could not consent, therefore, to the Motion of the hon. Member for Clonmel.

Motion made, and Question put, "That the Clause be read a Second Time."

The Committee divided:—Ayes 12; Noes 74: Majority 62.

Sir J. B. WALSH then moved the insertion of a clause authorising the division of electoral districts.

Sir W. SOMERVILLE opposed the Motion, on the ground that it would needlessly involve a protracted discussion at a period when it was most desirable to transmit this measure to the other branch of the Legislature; and having intimated that it would be open to the hon. Gentleman to introduce the subject at some more convenient occasion,

Sir J. B. WALSH consented to withdraw the clause; but begged at the same time to say that he thought the question to which it referred was a most important one, and he hoped that on a future occasion there would be a full discussion of it.

Colonel DUNNE could not let the clause be withdrawn without saying that until the area of taxation was altered, the Irish Members would not be satisfied.

Mr. ROCHE admitted that a number of

the present electoral divisions were too large, but it was exceedingly difficult to say on what principle they should proceed with the subdivision.

Clause, by leave, withdrawn.

MR. POULETT SCROPE moved the insertion of a clause permitting the guardians of any union in which the order of the Poor Law Commissioners to afford relief to persons by food only is in force, to afford such other relief to them, besides food, as shall appear to them necessary for the preservation of their lives and health.

SIR W. SOMERVILLE said, they stood much in the same position with respect to this clause as they did with regard to the Motion of the hon. Member for Clonmel. The question was, how far their means would permit them to go, and whether, by drawing on them to an unlimited extent, they would so diminish them as to bring all down to one common level of pauperism. It was unfair to throw odium on the persons who opposed such a proposition, without making the slightest allusion to the abuses that would be created by acceding to it. Instead of distributing clothing, they should consider the means of the ratepayers, and confine the relief to the most necessitous cases.

MR. SHARMAN CRAWFORD considered that, even on the ground of economy, they ought to adopt the clause. If they abstained from giving fuel and clothing as well as food, disease would be created, and the number of poor would be increased.

MR. CORNEWALL LEWIS thought the clause proposed by the hon. Gentleman the Member for Stroud would be wholly inoperative. If they gave relief in clothes, it could be only done by diminishing the relief in food.

MR. STAFFORD observed, that this was about the fourth clause which had been brought forward in total oblivion of the first clause of the Bill. They adopted a proposition to guard the ratepayers from more than 7*s.* in the pound, and then they came forward with all sorts of propositions to increase the expenses.

MR. POULETT SCROPE said that the guardians at present had only the power of giving relief in food to the ablebodied poor; and he thought a poor man who had been turned out of house and home required relief in shelter and clothing quite as much as food. He was therefore desirous of giving the guardians the discretionary power of administering relief to the ablebodied in clothing and shelter as well as food.

LORD J. RUSSELL observed, that any poor-law would be subject to the difficulty of administering outdoor relief in such a way as not to induce the ablebodied poor to prefer it to supporting themselves by their own labour. It might be in many cases most desirable that the guardians should have the power of granting relief in shelter and clothing as well as in food; at the same time he thought such a power would be always liable to abuse, inasmuch as the ablebodied labourer would frequently prefer such relief to depending upon his own exertions.

Clause, by leave, withdrawn.

SIR DENHAM NORREYS proposed a clause relative to the residence of applicants for relief. The proposition of the hon. Member for Cork would not relieve the small towns. What he (Sir D. Norreys) proposed was, that the provisions of the poor-law should not become applicable to a pauper who had not come to reside in towns within the last two years.

Clause brought up and read a first time.

MR. H. A. HERBERT opposed the clause.

Motion made, and Question put, "That the Clause be read a second time."

The Committee divided:—Ayes 7; Noes 73: Majority 66.

COLONEL DUNNE moved the following Clause:—

> "And be it further enacted, That when any land shall have been unoccupied and laid waste for the period of twelve months next before the 25th day of March, 1849, the board of guardians may excuse any new occupier of such land from the payment of any arrears of rates left unpaid by a former occupier of such land."

LORD J. RUSSELL admitted that it was originally proposed to introduce a clause of this description, but as the opinions of persons generally were against it, the idea was given up.

MR. F. FRENCH thought it was right that they should know the nature of the objections to the clause, and from whom they came. When it had been thought expedient by the noble Lord to hold out some hope on this point to the Irish proprietors, it was necessary that some reason should now be given for the clause being withdrawn.

Clause, by leave, withdrawn.

SIR L. O'BRIEN begged, before the Chairman left the chair, to thank the noble Lord at the head of the Government, and his Colleagues, for the great attention they had given to this question.

The House resumed.

Bill reported; as amended, to be considered To-morrow.

STATE OF PUBLIC BUSINESS.

Mr. DISRAELI begged permission to be allowed to state the course which it was proposed to take on his side of the House with reference to the adjourned debate on his Motion. Hitherto, when the policy of the Government had been brought before the House, there had always been an understanding that Gentlemen who had notices upon the Paper would waive their individual claims, in order that discussions of such a nature might be completed at once. That was the feeling on his side of the House; and he was sure, that if any Gentleman had brought forward a proposition for financial reform, or for a new construction of the legislative body, who was supposed to represent the feelings of any section of the House, the Gentlemen on his side would have immediately given way. That, however, was, unfortunately, not his lot, when, at the request of no inconsiderable portion of the Members of that House, he had been induced to express their sentiments in the Motion he had introduced the other day. It was due to the Government to say that they had given every facility for bringing on that Motion, and that they had shown every disposition to give the question a fair encounter. He was also bound to remove an impression that might have arisen unfavourable to the hon. Member for Montrose respecting this matter. He understood that the hon. Member yesterday refused to withdraw a notice he had on the Paper for to-day; but it was due to him to say, that he had on a previous occasion endeavoured to facilitate the Motion of which he (Mr. Disraeli) had given notice, by withdrawing a similar notice to the one which he had on the Paper for that night; and though from misconception, he could not practically favour him, he (Mr. Disraeli) was, nevertheless, sensible of the obligation. In the present state of affairs, it was impossible for him, according to the forms of the House, to bring forward this debate until the 31st of July. The House would agree with him that it was extremely inexpedient to be called upon to give a decision on such a subject at such a time, even should the House be then sitting. There was an opportunity on Tuesday to have concluded the debate; but, unfortunately, the noble Lord the Member for Marylebone thought it expedient to enter into a discussion, the main object of which, to use his own words, was to show that every policeman was a "petty tyrant." ["No, no!"] Well, well! upon that point he would not insist. The hon. Member for Middlesex urged upon the noble Lord to proceed with that discussion on the ground that this was a flash-in-the-pan Motion. He did not know what idea the hon. Member for Middlesex might associate with a flash-in-the-pan Motion, but he had always understood that when Motions were brought forward, supported by a considerable number of Gentlemen, who, at great inconvenience, had, on more than one occasion, come down to express their opinions and record their votes—and this was generally conceived to be the test of sincerity of motive—it was the custom, and it did credit to the House, to treat Motions of that kind in a favourable spirit. He would only say, that those who were bringing forward this Motion, had no intention whatever to avoid a decision. It was their earnest intention to call for a division of the House on that question; but circumstanced as they were, it was difficult to see how they could attain that object. If, however, the noble Lord would agree to give them another Government day, he was authorised to say, on the part of the Gentlemen near him, that, so far as they were concerned, nothing should prevent the division taking place on that day. But if the noble Lord found that it was not in his power to permit the House to come to an expression of its opinion, then he had only one alternative, which was to move that the Order for the Day be removed from the Paper. He had made this statement in order that those out of doors might not be led to think there was on the part of the supporters of his Motion any wish to avoid a decision.

Lord J. RUSSELL admitted that the hon. Gentleman was right in saying that it was usual when a Motion of importance, such as he had brought forward the other night, was adjourned, for Members who had notices on the Paper to give way, in order that the debate should be proceeded with. But, at the same time, the hon. Gentleman did not mean to impugn in any way the discretion which every individual had, of estimating what was the importance to the public and his constituents of any Motion he might wish to bring forward. The noble Lord the Member for Marylebone thought himself bound to bring forward his Motion, and by thinking himself so bound to discharge his duty, the delay had taken place to which the hon. Gentleman referred. As the hon. Gentleman had stated, the Government was most willing to make any sacrifice of time at their disposal for the purpose of enabling him to bring forward his Motion —and he might say now, that if it were merely with respect to the character of the Government, he, for his own part, would not propose that any other day should be given to the discussion, being perfectly satisfied, after having heard the hon. Gentleman's speech, and the answer of his right hon. Friend the Chancellor of the Exchequer, that the character of the Government required no farther support; but as the hon. Gentleman had brought forward a Motion of importance, and as it would be unsatisfactory if the House did not come to a formal decision regarding it, he was willing to make some sacrifice of convenience, in order that the debate should be continued. If it was to be continued, then the sooner the better, and, accordingly, he would give the earliest day at the disposal of the Government. He, therefore, proposed that the adjourned debate be taken to-morrow. In that case, he must ask the House to meet on Monday morning, to consider those Bills relating to Scotland, to which he attached great importance. The hon. Gentleman having asked for a Government day to conclude the debate on his Motion, he (Lord J. Russell) thought he was not asking too much when he requested the House to sit on Monday morning to proceed with those Bills. There was another question which was on the Paper for to-night, with respect to which he wished to say a word or two. The hon. Member for North Lancashire had a Motion for inquiring into the Universities of Oxford, Cambridge, and Dublin, and praying Her Majesty to issue a commission for that purpose. Now, he did not think that the cause of the improvement of education in those universities would be promoted by a discussion at the present moment. There had been several proposals made of improvement in these universities, and they would be better able, after this Session, to judge of the value of those improvements, and of what would be the then state of the universities. His hon. Friend had, no doubt, a desire to promote the object he had in view; but it would be rather an obstacle in the way of that object than an advancement of it, to have a discussion on the subject in the present Session. It was known that there were objections both to the proposals of reform which had been made, and to the commission; and these objections would be strengthened by any discussion just now. He, therefore, hoped the hon. Gentleman would not proceed with his Motion.

The Earl of LINCOLN assured the noble Lord that the course he had proposed to take would be extremely inconvenient to the Members of Scotland, and very distasteful to the people of that country, who attached great importance to these Bills.—He believed that there existed a very strong feeling against the Bills. He would not enter into the question of the merits or demerits of those measures, but he must repeat that the course which the noble Lord was pursuing respecting them, was not only most inconvenient, but extremely prejudicial. The reason why so few Scotch Members attended the meeting which had been alluded to was, that already a great number of them had left town for Scotland. When he mentioned the names of two hon. Members who had left London, the noble Lord would at once see that it was important that both these Gentlemen should be present at the discussion of these Bills—he alluded to the hon. Member for Perthshire, and to the hon. Member for Argyllshire. He believed the former hon. Gentleman had already expressed an opinion upon these Bills, but that he was unable to return to his Parliamentary duties to take part in their further discussion; and with regard to the hon. Member for Argyllshire, he had left town before the noble Lord gave notice of his intention to proceed with the Bills this Session.

Lord J. RUSSELL said, that he had consulted the convenience of the Government only, and had he regarded his own opinion of the merits of these Bills, he certainly should have proceeded with them to-morrow. Such had been his wish, and such had been his intention. He had already stated, with regard to the Motion of the hon. Member for Buckinghamshire, that he should not have thought it any reproach to the Government if the order for the resumption of the debate on that Motion were to be discharged. But hon. Members who had notices of Motion, having, no doubt, exercised their discretion in refusing to allow the adjourned debate to be resumed, he had, for the sake of the convenience of the House, proposed to give up a Government day to the consideration of that Motion, and had proposed that the two Bills—the Marriage and the Registration Bills, which, he believed, were calculated to be very beneficial to Scotland, and a great improvement in the law—should be postponed until Monday. He had done so, not for the convenience of the Government, but for the convenience of the House and the general mode of conducting the public business. In so doing, he was obliged to take, he admitted, an inconvenient course of appointing a morning sitting for the consideration of those Bills.

Subject dropped.

THE HUDSON'S BAY COMPANY.

Mr. GLADSTONE said, he was glad to be able to notify to the House, that in consequence of the consent of those who might have been supposed to entertain intentions hostile to the Motion of which he had given notice, it would be unnecessary for him to trouble the House at any length on the present occasion. He had received, from the officers of the Hudson's Bay Company, a communication to the effect, that they did not object to the inquiry he proposed, into the legality of their powers; and he had likewise been apprised, by Her Majesty's Government, that such being the feeling of the parties interested, neither were they prepared to make any objection to the proposed inquiry. As, therefore, there was to be no hostile discussion on this Motion, he should, with the greatest satisfaction, refrain from speaking one word that could be considered to be of a criminatory or controversial character. He had felt it his duty, on other occasions, and might again feel it his duty, to enter upon a variety of controversial questions, connected with the Hudson's Bay Company; but, on the present occasion, he should follow what he thought to be the plain course of public duty, in sedulously abstaining from touching upon all such subjects. He would, however, very shortly state to the House, the real subject-matter to which his Motion applied; because, the affairs of the Hudson's Bay Company, and the condition of that large portion of North America, which was under their government, had attracted so little notice, in former years, from the British public, or from that House, that there might, otherwise, be some misunderstanding as to the real purport of the inquiry he proposed, and what was the relation it bore to the Motion of his noble Friend the Member for Falkirk. The Hudson's Bay Company might be said, generally, to hold under three perfectly distinct titles. The first, was the original charter of 1670; which applied to a certain part of the territory now under consideration. Powers were also granted to the company by Her Majesty, under a license to trade, dated in 1838, which placed another large portion of North America, or, in fact, he might say, the whole of the rest of the company's territory, under their rule. Those powers, not being powers of government or of territory, but of exclusive trading, the legality of them was unquestioned, so far as they rested upon an Act of Parliament. But, besides these two titles, the one being the charter of 1670, and the other the license for exclusive trading, the Hudson's Bay Company had likewise recently received, by Act of Parliament, other powers, relating to Vancouver's Island. That island constituted a part of the territory over which the company had previously received the license for exclusive trading; but this Act gave to the company territorial rights which they had not before possessed. The original charter was only considered to apply to the territories in the immediate vicinity of Hudson's Bay, and those lands which were watered by the large rivers that ran into that bay. Those waters took their source from the Rocky Mountains; and, descending thence through various rivers and lakes, at length entered Athabasca Lake, on the west of Hudson's Bay. By these waters, the territory over which the company possessed power, under their original charter, was usually held and considered to be defined. The territory to the north and to the north-west was comprised within the waters which ran into the Pacific and the Arctic Oceans; and this territory was the subject-matter of the license of exclusive trading, granted in 1838. The territory of Vancouver's Island spoke for itself; and that had been made the subject of those recent proceedings which his noble Friend the Member for Falkirk had already called in question. The Motion which he (Mr. Gladstone) was now about to submit to the House, contemplated, strictly and properly, those territories only, which the Hudson's Bay Company was reputed to hold, under the charter of 1670. For some reasons, it might have been advantageous, considering the gravity of this question, if there could have been a fuller exposition of it; but he had perfect confidence in Her Majesty's Government, so far as related to their comprehension of their public duty, in regard to a Motion such as the present. The terms of the Motion were sufficiently clear to render it manifest, that its object was to secure a full and perfect, but, also, a dispassionate inquiry —not into the powers which the Hudson's Bay Company might possess—not into any abuse of their powers, which might have been alleged against them, whether truly or untruly, or any complaints against them, whether properly or improperly made—but, simply and dryly, to the legality of those powers. It might have been, in some respects, advantageous to have a fuller discussion; but if a clearer understanding could be arrived at by foregoing such a discussion, there would be a compensation for its loss, in having secured, what was above everything desirable, namely, that the strict character of this investigation should be preserved, so that it could not be mistaken for a matter of political controversy, or of grievance, or complaint; and, that those who would advise Her Majesty's Government as to their course, and who would be, he presumed, the law officers of the Crown, might approach this question without the recollection of any hostile debate or controversy upon it, but might regard it as one essentially judicial. He was content that the reasons for the Motion should be for the present taken to be only those obvious upon the face of it, consisting of matters of fact, perfectly undeniable, and not involving matters of reproach, or charges against any one. If the most superficial inquiry were made into the system of government under the Hudson's Bay Company in North America, it would appear that the powers exercised by them on that great continent, were so far exceptional and diverging from rule and precedent, and were so far from affording the usual guarantees for the liberty of the subject, as to render it obvious that, on the question being raised in that House, the Crown should proceed to ascertain the legality of those powers. Those powers might be stated, first, as a perfect and exclusive territorial possession of the tracts under the charter of 1670; secondly, as the power of exclusive trading reaching over the whole of that tract; and, thirdly, the powers of government now extended throughout the remainder of the country, from the Arctic Ocean in the north, to the Pacific Ocean in the west. These powers of government, which were now in the hands of the Hudson's Bay Company, he could not otherwise qualify than as absolute powers of government, which made no provision whatever for the liberty of the subject. He did not enter into the question whether the circumstances of the case were such as to render the granting or the exercise of those powers proper and expedient. He wished to avoid all questions of policy. No doubt large questions of policy presented themselves to the mind, and on this question he entertained in his own mind particular opinions, which had been suggested by his inquiries. But he would postpone these considerations, because Parliament could not enter upon them with advantage until practical measures had been taken to ascertain what was the nature of the legal title of the company. Having stated the general grounds of his Motion, he was contented to let the matter rest upon this basis. It afforded him the most sincere satisfaction to be able to pass by the controversial part of this question, on account, as well as on other grounds, of the sincere respect he entertained for many of the gentlemen he knew to be engaged in conducting the affairs of the Hudson's Bay Company. Nothing was further from his intention, in entering upon this subject, than to cast the slightest slur upon the character of those gentlemen. It was only to-day that he had received a letter from Mr. Isbister, stating that, notwithstanding the strong language in which he had set forth his complaints, and the gravity and importance he attached to the subject, he entertained the greatest respect both for the character of Sir John Pelly, the governor of the company, and also for that of Mr. Harrison, the gentleman who was, or had been very lately, associated with Sir John Pelly, as deputy-governor. The complaints, then, were not against the character or conduct of these individuals, but against the system. He slightly referred to these subjects, not with any view of influencing the minds of hon. Members as to the nature of that system, but solely to afford himself the gratification of stating his appreciation of those gentlemen, and expressing his satisfaction that his sense of public duty permitted him to pass by any detailed discussion. He would therefore beg to move—

> "That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to direct that such means as to Her Majesty shall seem most fitting and effectual, be taken to ascertain the legality of the powers in respect to territory, trade, taxation, and government, which are or recently have been claimed or exercised by the Hudson's Bay Company on the Continent of North America, under the Charter of His Majesty King Charles the Second, issued in the year 1670, or in virtue of any other right or title, except those conveyed by or under the Act 43 Geo. III., c. 138 (extending the criminal jurisdiction of Canadian Courts), and 1 and 2 Geo. 4, c. 66, intituled, "An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction within certain parts of North America."

Mr. HAWES said, he had very few observations to make, and he should strictly follow the example of the right hon. Gentleman, in avoiding the expression of any opinion which could lead to controversy. The right hon. Gentleman was quite right in stating that the Hudson's Bay Company had, much to their honour, as he (Mr. Hawes) thought, immediately assented to the inquiry proposed by the right hon. Gentleman into the legality of their charter. That being the case, Her Majesty's Government had of course not the slightest objection to offer, and he gave his cordial assent to the Motion.

Mr. HUME wished to know what the noble Earl the Member for Falkirk intended to do in regard to his Motion upon Vancouver's Island?

The Earl of LINCOLN said, the House would remember that upon the day subsequent to that on which he had brought forward his Motion, when the House was counted out, he gave notice that as it appeared impossible he could obtain another notice day, he should renew his Motion on the first opportunity when the Government fixed a Committee of Supply. He adhered now to that intention.

Mr. ELLICE said, that before the question was disposed of, he wished to make a single observation. He wished to understand whether the noble Earl really intended to bring forward this question again, and if so, whether he would give sufficient notice in order that gentlemen connected with the Hudson's Bay Company might be able to state their case? So far as he (Mr. Ellice) was concerned, and so far as his knowledge extended, a great deal more importance had been ascribed to this question about Vancouver's Island and the Hudson's Bay Company than it deserved, and it had grown into a magnitude which did not properly belong to it. He was not in the House last year when the right hon. Gentleman the Member for the University of Oxford brought forward this question, and when his (Mr. Ellice's) name was frequently referred to; but he saw in all the newspapers that a statement had been made to the effect that his noble Friend at the head of the Colonial Office had given this island to the Hudson's Bay Company as a favour—or what was termed a job—to him. Now he had heard nothing at all of the transaction until the right hon. Gentleman brought the subject before the House, and all he could say was, that so far from considering that grant valuable to the Hudson's Bay Company, his conscientious conviction was that the company had undertaken to do that which would never repay them in point of interest; and if his noble Friend at the head of the Colonial Office had offered to give him that island, subject to the conditions upon which it had been given to the Hudson's Bay Company, he should have thought himself fitter for a lunatic asylum than for addressing the House of Commons if he had accepted it. He suggested to the noble Earl to reflect a little before he persevered in this matter. In the Hudson's Bay Company this country had an instrument by which the affairs of a vast region, almost inaccessible to civilised beings, were administered without expense; and it was not probable that other means would be found to effect the same object. There was no imputation upon the company that hitherto they had abused their trusts and powers, or that they had not done their best to maintain peace and order. If his right hon. Friend opposite, upon whom, at some future period, the duty might devolve of administering the colonial affairs of this empire, would only consider by what other system the administration of this enormous district could be provided for if the Hudson's Bay Company were superseded, he would hesitate very much before he sought to destroy that most efficient instrument for the purpose. If the hon. Member for Montrose would move for a Committee, and if Members would act upon it, he (Mr. Ellice) would prove to the satisfaction of that hon. Member and of the Committee that the company had hitherto creditably and efficiently exercised the powers which had been given to them by the House and the Government; and he should be greatly surprised if the Committee should be able to devise any other machinery as a substitute for the efficient administration of the Hudson's Bay Company. The Hudson's Bay Company, like all others of the kind, had probably imperfections in its management. For some time no Colonial Administration had existed against which complaints had not been made in that House; but he knew of none against which there had been fewer than the Hudson's Bay Company. He did not see any public good that could accrue from the discussion of this subject. The right hon. Gentleman would now derive every information he could desire in a legal point of view, as to the powers of the company, under Acts of Parliament and charters, from the inquiry about to be made; and there was no reason why those things, or why the administration of the Hudson's Bay Company, should not be inquired into. But he hoped the noble Earl the Member for Falkirk would hesitate before he cast a slur upon an institution which had hitherto very efficiently performed its duties.

MR. HUME said, the right hon. Gentleman the Member for Coventry had addressed him as if he had been bringing the Hudson's Bay Company to the bar of public opinion. But he had done no such thing; on the contrary, he had distinctly stated that he did not blame the Hudson's Bay Company, but that he blamed the Government for placing Vancouver's Island in their hands. That objection was still valid. The company might very well manage those vast regions which belonged to them, but the placing of a new colony under their administration was another question altogether.

The EARL of LINCOLN said, he should not attempt to reply to the observations of the right hon. Gentleman, because, if he did so, he knew that he should be immediately called to order, having once already briefly addressed the House on this subject.

MR. GLADSTONE wished to say one word in answer to the appeal of his right hon. Friend the Member for Coventry, who seemed to think it was his (Mr. Gladstone's) intention or desire to obtain hostilely from the House some judgment by anticipation upon the policy of the Hudson's Bay Company's system. Now, he had expressed his intention, in the shortest and most stringent terms he could use; he had distinctly said, that he did not wish to weaken the company, or raise any prejudices at all against their title. It appeared to him, after so much had been said, that it was fair to the company themselves that their title should be investigated; and if the result was satisfactory, the company would greatly benefit from the inquiry. The question of policy he should reserve for further consideration; and after the examination was concluded, he should have the opportunity of urging his objections—if he entertained any—against the policy by which so large a part of North America was now governed; and his right hon. Friend would also then have the opportunity of stating his views. He hoped his right hon. Friend would do him the justice to admit, that he (Mr. Gladstone) had never breathed one whisper of the imputation upon his noble Friend the Secretary for the Colonies, that he had granted Vancouver's Island upon the secret application of his right hon. Friend opposite. Never had he (Mr. Gladstone) for a moment entertained or given credence to so unworthy a suggestion. With respect to the question of that grant, although the right hon. Gentleman had invited discussion upon it, he would not then enter into it further than to say, that while it might be of small importance to the Hudson's Bay Company, he was led to attach importance to it on account of the principle involved in it, and of the practice of which is set an example in the foundation of colonies. Upon the question then before the House, in relation to the old territories, they were, happily, all harmoniously agreed; but with regard to Vancouver's Island he feared there was no prospect before them but that of war to the knife.

Motion agreed to.

TENANT RIGHT (IRELAND) BILL.

MR. J. O'CONNELL moved for leave to bring in a Bill to establish throughout Ireland the custom of tenant right prevailing in the province of Ulster. His hon. Friend the Member for Rochdale had frequently urged this question upon the attention of the House, but meeting with no success, he had given up any further attempt in despair. His hon. Friend not only theorised upon the question, but he put his theory into practice, and in consequence he was regarded all over Ireland as the poor man's friend. He (Mr. J. O'Connell) had no hope that any better success would attend his efforts than had followed those of his hon. Friend; but when he traced, as he did distinctly and clearly, the very root of the overwhelming evils of Ireland to the existing relations between landlord and tenant, and he found that the Government would make no effort to amend those relations, he felt bound in duty not to despair. He was not wedded to any particular plan, and if he described his theory, it would be only to invite an expression of opinion on the part of those who were better qualified than himself to suggest remedies. Both sides of the House had introduced projects for the settlement of the question. Successive Ministers had tried to meet the difficulties of the case; but they had always abandoned their measures before they had been advanced many stages, leaving the evil to grow until it had reached its present tremendous extent. It was absolutely necessary that something should be immediately done upon the subject. A most disastrous emigration was going on from Ireland. Capital was either wasting away or departing from the land. In other words, there was a vast emigration of capital as well as of men; and at the present moment, when efforts were made by the classes connected with the land to increase its cultivation, those efforts were only made with the view of realising the means of transporting themselves next autumn to a happier land, where their industry would be free—he meant America. Government interference, where it could be avoided, he deprecated; but in the existing circumstances of Ireland, it had become necessary, because, if the bones and sinews of the country were allowed to depart, it was evident there must be a large contribution from the national resources in order to avert utter ruin. For these reasons he had deemed it necessary to make this last effort before the Session ended to introduce a measure, grounded, not upon any theory of his own, but upon an existing system, which the experience of more than a century had shown, by the physical state of Ulster, to be most beneficial. The custom was in full operation in the north; and he wished to know what there was in the condition of the other parts of Ireland to render its adoption impracticable?

Notice taken, that forty Members were not present; House counted; and forty Members not being present,

The House was adjourned at a quarter before Eight o'clock.

HOUSE OF LORDS,

Friday, July 6, 1849.

MINUTES.] PUBLIC BILLS.—2ª Silver Coinage; Mutiny and Desertion (India); Drainage of Lands.

Reported.—Loan Societies; Assaults (Ireland); Ecclesiastical Jurisdiction; Soap Duty Allowances.

PETITIONS PRESENTED. From St. Clements Danes, for the Prevention of Sunday Trading.—By Lord Stanley, from Wyberton, Wigtoft, and Leake, for Protection to British Agricultural Produce; also from Worcester, for Repeal of the Law of Settlement.—By Lord Lyttelton, from Macclesfield, and other Places, for the Suppression of Seduction and Prostitution.—From Armagh, in favour of Sanitary Reform.—By Lord Brougham, from the Rev. E. Rice, for a Committee of Inquiry into the present System of Prison Discipline.

PRISON DISCIPLINE.

LORD BROUGHAM rose, pursuant to notice, to present a petition from the Rev. Edward Rice, D. D., chairman of a meeting held at the Literary and Scientific Institution of the city of London, praying for a Committee to inquire into the statements contained in certain resolutions embodied in their petition respecting the present state of Prison Discipline. The petitioner had presided over a respectable and numerous meeting, which sat on six different days in the city of London, in January last, to discuss the question of prison discipline. He (Lord Brougham) had himself given notice of a series of twelve resolutions on this subject, which he had to submit to their Lordships; and as these resolutions which embodied his own as well as the petitioners' opinions on prison discipline, were on the paper of business for that day, he thought he should best discharge his duty towards the reverend petitioner, and the respectable meeting whose organ the petitioner was, if, instead of opening the petition in detail, he proceeded at once to enter generally into the subject connected with it, and to give an outline of the opinions which he himself entertained in common with the petitioners, and which were embodied in the resolutions now before their Lordships. Of all the various subjects which ought at any time to occupy the attention of the public and of the Legislature, there was none of greater interest than that of prison discipline, because the execution as well as the provisions of the criminal law were of the greatest importance to the community at large. The punishments which were meted out for offences—the manner in which those punishments were distributed—every procedure in criminal cases for the purpose of trying those criminal cases, must be doubtless a subject of high, of paramount, importance to jurisprudence in every way. But that which he was now about to direct their Lordships' attention to was this, that without a sound system of prison discipline it was utterly impossible that the best framed code of criminal law and criminal procedure could be beneficial or effectual for the great purpose of preventing offences and reforming criminals; while on the other hand, it was equally impossible for a good system of prison discipline to exist, even with an inferior code of criminal law, and the procedure not produce salutary effects; because, when they were led to consider in what prison discipline consisted, it would be found that it was nothing more nor less than the mode and manner in which the criminal law was administered. The question how punishments should be enforced, depended upon the state of prison discipline. In another point of view this was of paramount importance. There had been many great amendments made in the criminal law, and there was no question but they must have those changes in the law, and it was Parliament alone which must act in the matter. But in the question which he was about to detail, he did not think there was one single tittle added to the chapter of the criminal law; it depended upon the execution of the law by the executive power; and he should be satisfied with laying the subject shortly before the House. About two years ago a Committee was appointed by their Lordships to inquire into the execution of the criminal law. That Committee collected a vast body of evidence. It examined all the keepers of the great prisons of the country—also prison inspectors, chaplains, gaolers from Ireland and Scotland, Crown solicitors, and the thirty-three Judges of England, Scotland, and Ireland. A list of thirty different queries was also sent round to those reverend Judges, and opinions upon them were obtained; and altogether the result was, that a very valuable and comprehensive body of evidence on the subject was collected. The conclusions of the Committee, grounded upon that evidence, were embodied in a report, and laid before their Lordships. To these conclusions, at which he, in common with his fellow Committee-men, deliberately arrived, he would by-and-by advert. Now, if he were to go back to the period when an hon. Friend of his now no more (Sir T. F. Buxton) bestowed his time and attention on this subject, and to show the state of the prisons when he published his valuable book, their Lordships would be astonished, in the first place, at the dreadful nature of the details which were adduced; they would be gratified, in the second place, by observing, what he freely admitted to be the consequence of Sir Thomas Buxton's efforts, and the labours of other persons in the same department, namely, the improvement that had taken place in some respects; but, in the third place, they would be mortified, as he (Lord Brougham) was, at finding how much yet remained to be done, and how many of the complaints which he had made against the system of prison discipline in his day, still continued in full force. He (Lord Brougham) did not indeed agree with Sir Thomas Buxton, or with the late Mrs. Fry on this subject—very far from it. He considered that they laboured under very great errors, but errors such as any benevolent mind like theirs was apt to fall into. They saw much bad treatment and many abuses in the gaols, and what appeared unnecessary discomfort inflicted on their inmates. They saw, as they thought, much harsh and even cruel treatment to complain of and deplore; their indignation consequently was aroused; and, as often happened—and never more so than in benevolent minds—on their indignation being aroused against an abuse, they argued even against the use, and carried their views to such a length that it was said of them at the time that they would convert prisons into palaces. Those benevolent persons always forgot one thing—that a prison ought to be a place of suffering; they forgot that, except for untried prisoners, to whom it ought to be merely a place of detention, with as little suffering as was consistent with detention—they forgot that for all except them a prison ought to be a place of anything rather than of comfort—that it ought to be a place of punishment and not of enjoyment. That was the error of those benevolent persons, and he would show that that error had been carried even further by others, and that unless an extensive alteration was made, irreparable mischief would be done. But he would at once—not to waste their Lordships' time—go to the centre of the subject. Sir Thomas Buxton, in his work, described one of the greatest evils in prisons to be "want of system, want of uniformity;" and showed the capricious and irregular system—if what was really no system could be so called—of regulations for the management of gaols. He showed that in twelve different gaols eight different systems prevailed. Much of that irregularity was now removed; but there still prevailed, in every other respect, the greatest possible dissimilarity. There were now no two gaols in England where the tried and untried, the juvenile and the adult offenders—where the prisoners under sentence of transportation for felony, and the prisoners under sentence of imprisonment for misdemeanor, were not treated, in most essential particulars, with perfect diversity. The law said, that for a certain offence a person should be imprisoned — say for twelve or six months; but if the nature and degree of the punishment depended on whether the offence was committed in one county or in another—if, by committing it within one geographical boundary line, he should be treated with comparative comfort, and perhaps too much comfort; whilst by committing it within another and a different geographical boundary line, he would be subjected to comparative suffering, and, perhaps, too much suffering—the Judge could never know what punishment was to be inflicted when he pronounced his sentence, and the community did not see what the punishment was, because they saw different offences receiving the same punishment, and the same offences often receiving different punishment; and thus the evil went to the very root of the administration of justice in the country, and the capricious diversity, and consequent uncertainty, in the treatment of offenders, could not but give rise to every abuse, inconvenience, and obstruction to the due administration of the criminal law. First, he would say a word about transportation. All the Judges with unanimity, almost all the witnesses, prison inspectors, county magistrates, gaolers, clerks of the peace, all, with very nearly the same unanimity, agreed that the punishment of transportation was, in the case of many offences, absolutely indispensable, and could not be given up. He need not say that many offences must be punished, not by transportation, but by imprisonment. One great objection to transportation on a large scale was the state of our penal colonies. A Government had to guard against the contamination of its population by criminals at home; but it was no less their duty to prevent that contamination from being carried to our colonies abroad. Transportation on a grand scale could only answer in the infancy of a colony; for when a colony of innocent inhabitants had grown up to a degree of maturity, it would be inflicting a very great injustice upon the unoffending, to make their abode the receptacle of the refuse of society belonging to the mother country. All this enhanced the importance of the subject of prison discipline, because he could not see how the place of transportation was to be supplied on a large scale, but by a well-adjusted system of prison discipline. On this question he must say—as he had often had to say before, in arguing questions connected with the poor-law—that benevolence, to deserve its name, and to earn well the praise so justly its due, must be "beneficence" as well as "benevolence;" there must be an executed purpose as well as an executory intention; for if in its results it did mischief instead of beneficence, away went all its title to the praise—and, consequently, away also ought to go its title to the name—of benevolence. The present system was not only unproductive of good, but positively productive of bad effects. The institution of foundling hospitals, for example, afforded an apt illustration. About three quarters of a century ago a palace arose, called the Foundling Hospital, it being thought at one time that the best means of preventing child-murder was to form such an establishment. But the effect was found to be entirely different; and the experience of Dublin and Paris had been precisely the same. Such institutions had to be put down on the principle stated by Lord Ellenborough—that, if the smallpox were found to be promoted by a smallpox hospital, that hospital must be suppressed as a nuisance. It was said of a certain place that he would not mention, though a penal place, that it was "paved with good intentions;" but the good intentions to which he now referred were such as led not only to the non-performance of good works, but to mischievous works being done. He would take the case of Reading gaol. He had no hesitation in saying that it was of the nature of a public nuisance. From the petitions, it appeared that hard labour was excluded. But the magistrates, and others, who were examined on the subject, were found to glory in their shame. They took credit for their benevolent intentions, and for their splendid treatment of the criminals, totally forgetting that the place was a place of punishment. Separation was the only punishment; and there the prisoner was put in a spacious, well-warmed, well-ventilated room, was supplied with abundance of palatable food without the necessity of making an effort, was allowed ten hours' sleep, and had his time at his own disposal for reading, writing, arithmetic, and light occupations, which were not compelled, but only allowed for his "recreation and relaxation." Having asked a learned Judge whether he ever sentenced any one in the county of Berkshire to hard labour, he received an answer in the affirmative. In 1848, how many were under sentence of hard labour? 700; but the sentence was positively a dead letter in that gaol. The Judge believed all those prisoners were subjected to hard labour. "Oh!" said the benevolent magistrates and chaplain, "Oh, no; the only labour on which they are employed is on a crank to pull up water to wash themselves." Ten convicts were set to raise water which two could do. Only two instances, the chaplain stated, had been found of persons who refused to be so employed. One was a professional person, who thought his hands would be injured by the work, which was performed partly by foot and partly by hand, and averred that the delicacy of touch required for his calling made it necessary that he should abstain from labour of so rough a character. He might have been an instrument maker, to whom delicacy of touch was necessary. He turned out on inquiry to be a pickpocket. There were in Reading gaol, on the average, 140 prisoners; and 999 in the whole year. In Coldbath-fields prison there were 886, and on the average, 1,034, of whom 870 actually performed hard labour. They were not asked whether it would hurt their hands or feet, or whether it would be disagreeable to them; but they were made to do it whether they would or not. Of the 140 who were on the average in Reading gaol, not one was engaged in hard labour, or in labour other than he had described. All a prisoner earned there in the year was 2*s*. 8*d*.; in Coldbath-fields prison the average earnings of each prisoner amounted to 4*l*. 6*s*. Reading gaol, which was more like a place for students and professors than for prisoners convicted as felons, cost 50,000*l*. The expense for lodging each prisoner might be calculated at 15*l*.; for their food, &c., 30*l*. 10*s*.; making 45*l*. a year as the cost of each prisoner. In Coldbath-fields, the expense for each prisoner was 14*l*., after deducting the 4*l*. 6*s*. which each prisoner earned on the average. When the worthy magistrates and reverend clergymen endeavoured to show that their system had been most successful in putting an end to crime in the county of Berkshire, the result turned out to be exactly the reverse. The gaol might rather be called Reading university, for the only labour expected from the prisoners was learning to read; study was thought the only good thing for reforming prisoners. "Study, study, study, and no work," said the Reading magistrates. Out of 750 convicts, from 500 to 600 were for periods under three months, many for only a few weeks. If the plan of the Reading magistrates were ever so beneficent—if the magistrates were as beneficent as they were benevolent—if it savoured as much of true benevolence as it did of false benevolence—if it were as well contrived as it was ill contrived—he held that it was impossible that it could produce an effect within two or three months. Those short sentences had no merit whatsoever. But it was said, there were only fifty-six recommittals. Yes, to Reading gaol; but how many were recommitted to Abingdon gaol? The whole number of commitments in England and Wales averaged 100,000 a year, 66,000 of which were committals for the first time, and 33,000 recommittals. The average of those imprisoned for one year was from 16,000 to 17,000. The average cost of a prisoner was 29*l*. a year, and the average produce of a prisoner's labour was 1*l*. 7*s*. 6*d*. Their Lordships had already seen that in Reading gaol the average produce of a prisoner's labour did not exceed 2*s*. 6*d*. Now, in the prisons of America the labour of the prisoners supported them; and in Belgium and France it nearly did so. When he urged upon their Lordships the great importance of the Executive co-operating with the local magistracy in reforming the present system of prison discipline, he was aware of the difficulties of the case. He was aware of the fact that, although the Executive could control expenditure, they could not ensure proper discipline where the gaols, in point of construction, were defective. The object he had in view was one of enormous magnitude. It contemplated no less than the reform of a community, the prevention of crime, and the cure of the social maladies which afflicted us. He trusted that the country Gentlemen, with their usual liberality and generosity, would lend their aid to the accomplishment of an object which he knew the Government themselves had at heart. Turning to another branch of the subject, he must express his belief that the deteriorating effects of criminal infliction had been much overrated. Those who had the best means of knowing the effect of such punishments upon prisoners—gaolers, prison inspectors, and others—had given it as the result of their experience that the punishments enforced had far less influence in deterring from crime than could be wished. In fact, it exercised a much slighter influence in that direction than many believed. When Bentham stated his belief that if a given and even slight punishment were meted out, and you made it absolutely certain that a prisoner would undergo it, it would be sufficient to deter from crime, he must have quite forgotten the inflamed and uncalculating frame of mind in which persons were when they committed offences, and the sanguine character which led criminals to anticipate escape. The reformatory process had been far too little kept in view in legislating on criminal matters; and was more a subject for criminal police than for criminal law or criminal jurisprudence. He had been the last man to undervalue the benefits of early training. Throughout his life he had contended that infant training was the best preventive against vice that could be devised. By an early system of infant training you cut off crime at the fountain head. Let the gates of the reformatory prison be thrown open wide, but let not the prison discipline consist of reading and cyphering. Let the starting point be that the prisoner should be made dependent on his labour. He had conversed much with magistrates and others on the subject of the system he would propose. Mr. Charles Pearson, who had for seven or eight years filled the office of city solicitor, and who had devoted his great abilities and unceasing industry to the details of this question, had in the main expressed his approval of the doctrine he (Lord Brougham) would enforce with respect to prison discipline. He had also had the support of Mr. M. D. Hill, a gentleman who certainly combined the experience of any two men on this subject. The principle for which he (Lord Brougham) and his friends contended was this: Labour, they said, was the reformer of criminals. While a man was an inmate of a prison, let him have such work set him as would instil into him habits of voluntary industry, by giving him inducements to work. But how was this to be brought about? Let prisoners be treated as criminals, but at the same time as rational beings. Let their comfort in prison depend upon their labour in prison. Captain Maconochie, who he was glad to find had been appointed Inspector of the Birmingham and Warwickshire district, had suggested, and wisely too, that the duration of a man's punishment should depend on the extent of his voluntary exertions whilst in prison. He (Lord Brougham) thought that principle was laid deeply in the feelings and character of human nature, and that it must of necessity prove successful. Wherever it had been tried it had succeeded. In France, in Hamburg, and in other States, its beneficial results had been experienced; among other places, at Stretton on Dunsmoor, in Warwickshire, where the plan originated. To the extent to which it had been tried in this country, it had succeeded; but its success had been more signal on the Continent. Under the influence of that system scarcely any individual had been recommitted for the offence of which he had been previously convicted. But then it was not by punishments of a month or six months that effects such as these could be produced; it must be by longer periods of imprisonment and detention that the desired end could possibly be attained. Their Lordships would observe that it was not by punishment and detention that those establishments to which he had been alluding were worked. They were intended for juvenile offenders, those, namely, who were rather treated as patients—individuals that had fallen into crime, and were to be saved through the acquirement of good habits. They were cured in those establishments by being sent to occupy themselves in cultivating fields and in working gardens, as well as in such work indoors as was most properly provided for them; occupations that attracted them into habits of industry, whereby they acquired also, in the meantime, the necessaries of life. That the same system applied to others would produce the same effect as had been witnessed in these instances, was what he would not positively assert. But as to the effects of the other system, there could now be little doubt. What said Mr. Rushton? Why, he gave instances of eighteen lads who had been recommitted on an average nine times to the same prison, one of them having been committed seventeen times, another eighteen, and another nineteen times, all three being under twelve years of age. That those who had been convicted so often, and had fallen into habits of crime and vice, must be subjected to longer periods of confinement and punishment, he did not deny; but that the same system, applied to persons of maturer years, with such changes as that circumstance might require, or that the same system, *mutatis mutandis,* would produce similar effects, was at all events exceedingly probable. One great problem connected with this subject was that question of the punishment and reformation of juvenile offenders—one of the most difficult questions to which the mind of a lawgiver or an executive magistrate could be applied. For what was that punishment which could be applied to a child of eight or nine years of age? But that even a boy of twelve or thirteen years of age, detained for two or three years under a reformatory process, would be more beneficially treated than if subjected to punishment—better certainly than if subjected to punishment in the rude and vulgar notion of that term—he had no doubt whatever. In laying the statistics of this subject before their Lordships, he said, he had omitted one, and that was the increase of commitments. The population of this country had increased sixty-five per cent within the last forty years; but how stood the commitments? He should state, however, that there had been a proportionate increase in the consumption of the comforts and luxuries of life. The consumption of coffee and of tea had increased seventy-five per cent; and of malt spirits fifty per cent—an increase not very materially differing from the population. But the commitments had increased 400 or 420 per cent—an increase six times greater than the population and the luxuries of life. That increase, however, was not in heavy offences. The vast proportion—eighty-one per cent of those commitments, that was, four-fifths of the whole number—were of juvenile offenders. It became, therefore, a most serious matter how they were to deal with them. He believed if there were no receivers of stolen goods—if there were none of those individuals called "fences"—who set a boy of seven or eight years to break a shop window, and to steal a watch, while he stood by a spectator of the crime of which he received the chief of the profit—the number of juvenile offenders would be greatly diminished. It was needless in these circumstances to punish the young culprit with severity, because there was behind the curtain a greater criminal who went unpunished, and was ready to employ his victim again in the same vicious course. Under another system of punishment that offender was sent to gaol, from which he came out ten times worse than when he went in. But if he were subjected to the discipline and the treatment of which he had spoken as being pursued in Holland, in Germany, and in France, in proportion as he saw the parental care exercised towards him—in proportion as he became reconciled to his new habits, and conceived a growing dislike to his previous course—in proportion as he yielded to the effects of this new discipline—in that proportion was neutralised the influence over him of his previous companions; he became, as it were, a reformer, active in his exertions; he discarded his former associates; he disclaimed the company of the receiver of stolen goods; he discovered that person's haunts, associates, and practices; and the very knowledge of the fact that, abroad in society again, he yet refused to congregate with his old associates, and was active in discovering their practices and their haunts, would do more than anything else to strike a wholesome terror into the breast of the evil doer and the vicious, when they found that their course was become increasingly precarious. He said he could not conceive anything more hideous than the picture presented of the wilful contamination of the human species by the bad administration of the criminal law. To send a boy of eight, nine, or ten years of age, because he had committed a crime, to associate with the most hardened, the worst, description of felons that the bad administration of the criminal law could raise up to torment society, and to corrupt it—of all the crimes that the Government of a country could commit, that was the greatest which was perpetrated against those children. Under these circumstances, he thought he needed to make no apology to their Lordships for moving that the resolutions which he had to submit to their Lordships be read, and if not adopted, at least that they might stand over for consideration next Session of Parliament. The noble Lord concluded by moving the following Resolutions:—

"1. That the legitimate Object of all Imprisonment for Offences being to detain Persons committed until Trial, and Persons convicted for Punishment or until transported or until executed, it is a Matter both of Justice and sound Policy that due Means should be afforded in every Prison of so classifying Prisoners as to keep those who are detained for Trial apart from those who are detained after Conviction:

"2. That it is further expedient to provide the Means of separating different Classes of Prisoners, especially keeping the young apart from old Offenders; and that a perfect System of Prison Discipline would also afford the Means of further classifying Prisoners both before and after Trial:

"3. That the Food, Raiment, and Lodging of Prisoners after Trial ought to be on the lowest Scale of Expense and of Comfort, consistent with the safe Custody and Health of the Prisoners:

"4. That the Object of Punishment being the Diminution of Crime, and the Means thereto being Example and Reformation, so much of Labour should be exacted from Convicts as shall make every Prison a Place of Terror to the Indolent, and at the same Time a School for teaching industrious Habits:

"5. That the Economy of Prisons further requires such Aid to the Public Funds as may be obtained from the Prison Labour:

"6. That such Branches of Industry only should be cultivated in Prisons as do not interfere with the industrious Poor in their Callings:

"7. That it appears expedient, whenever possible, to connect with the Prison a Piece of Ground which may be laboured by the Prisoners, in order to raise such Produce as can most beneficially be obtained from the Soil and their Work:

"8. That, subject to the Limitation in Resolution 6, where agricultural or horticultural Labour is inconvenient or impossible, working at Manufactures or Handicrafts should be required as Part of the Prison Discipline:

"9. That with a view to Punishment as well as Reformation, Separation with Labour should in proper Cases be effected, but not solitary Confinement, unless for Prison Offences and for short Periods of Time:

"10. That both with a view to Economy and to Punishment, deterring and reforming, it is expedient to award Time Sentences with compulsory Labour instead of Time Sentences only, and to make the Duration of Imprisonment and the Quality of Diet depend upon the Prisoner's Conduct and the Amount of his Labour, due Regard being had to Differences of Sex, Age, and Strength:

"11. That in all Prisons due Attention should be always given to religious and moral Instruction, and a proper Provision of useful Books be made:

"12. That as in all Prisons the Reformation of Prisoners depends more on the Zeal and Knowledge of the Officers than on Rules and mechanical Arrangements, it is of the highest Importance to select such Officers with great Care, and so to remunerate them as to command the most efficient Service."

The MARQUESS of LANSDOWNE said, his noble and learned Friend had certainly not in his opinion overstated the importance of the subject to which he had thought fit to call the attention of the House; and, unfortunately, he had not overstated, for he could not overstate, the difficulties of the subject. And it was perhaps sufficient to indicate the difficulties and importance of the subject, that they had engaged the attention of the public of this country for something like three-quarters of a century; that their attention had been engaged with the importance of the subject, the necessity of legislation, and of improved administration, and that during that time no blame was attachable either to the Crown or the Legislature, or to individuals, whose attention had been directed to the subject from the period when, seventy or eighty years ago, the illustrious Howard attained that reputation which still clung to his name, undertook "that great circumnavigation of charity," as Mr. Burke had termed it, and laid the basis of a new and purer system of prison discipline. Since that time he believed there had always been found in Parliament, and out of it, persons whose aims were benevolent, who had been unceasing in their exertions, but who were sometimes mistaken in the extremes to which they pushed their opinions. During the time that he had been allowed to take part in the public business of the country, his attention had also been directed in common with others to the subject; but he never had yet seen that system, of which it could be confidently said that it had succeeded in the attainment of that object which it was their duty to seek. An effort, however, had always been made; and while he admitted there were grounds for the complaints of his noble and learned Friend, there had been nevertheless a great alleviation, and a foundation had been laid for the working out of what might be called a great experimental science on the subject of prison discipline. There was much in the speech of his noble and learned Friend in which he cordially concurred; but at the same time he must be allowed an opinion, that there were expressions in some of the resolutions which were stronger and more definite on some points than he could approve. He referred especially to the principle of classification of prisoners, and the importance of enforcing it. His opinion was founded upon his belief of the impossibility of any system of classification, other than that mode which ultimately resulted in the separate confinement of each individual; and he was prepared to contend, from all experience, and from the successful result of the experiments which had been made in the application of the separate system, both in Pentonville and other prisons, that no system was more peculiarly applicable to that purpose than it; for, with a modification as to the length of period during which the severity of the system should be applied, varying according to the character of the individual, his constitution, and the crime he had committed—always understanding that they were not at liberty to make a man worse, either in body or in prospects, when he left the prison than when he came into it as to gaining his daily bread—he was bound to say that the system of separate confinement was one of the safest and most humane for the prisoner, and not the least economical for the public. He said, on any other system the principle of classification was that which had for many years been the grand obstacle and difficulty. To put persons committing the same crime together, would be to place the most hardened criminal in company with an individual who might be committed for his first crime, and who but for this was a harmless member of society. The like difference in degrees of crime prevailed, if they adopted age as the rule; and if they were to adopt the distinction of sex, there was yet no classification of crime and of character. Numerous instances were given in the reports on their tables, and he might refer them to an instance which he met with but the other day. The case was that of a boy convicted of a theft in the street, who was brought into gaol exhibiting all the symptoms of virtuous feeling—weeping for the disgrace which he had incurred; but that same boy, three days after, was found in the midst of the vicious society in which he had been placed, not weeping, but rejoicing in the education which he was receiving in the art of picking pockets, in which he had made the greatest proficiency, looking forward to it as the means of his future livelihood and future enjoyment. He said that system must be abandoned; and he had the satisfaction of stating that the opposite system had been adopted in two or three of the model prisons which had invited general attention, not only from the public here, but from foreigners distinguished in other countries—he referred to Pentonville, which he inspected two or three years ago with a nobleman well known to his noble and learned Friend, the Duke de Broglie, who had given great attention to this subject, and who had since that time been engaged in establishing prisons in France on the same principles of management, and that distinguished nobleman had declared it to be a model of a model prison. But besides these two or three model prisons, there were fifty or sixty other gaols which had been brought under the supervision and review of the Secretary of State and the Government, and in which the means had been supplied for conducting the discipline on the principle of separate confinement. The system was one which did not require necessarily to be applied uniformly, but admitted of being varied according to the habits of the individual subjected to it; labour, as a part of it, being accepted as a solace to the industrious, and imposed as something disagreeable to the indolent, and yet in all cases being of sufficient severity to deter others from the commission of crime. He concurred with some of the resolutions proposed by the noble Lord; but he was surprised to find others of them departing from the principle with which he started — that principle which regarded the deterring effects of punishment prominently announced in the fourth resolution. He thought that was the indispensable foundation of prison discipline. Much as he attached importance to the reformation of individuals, he yet thought the primary object which must take precedence, was the deterring effect of punishment upon society. They might succeed in the reformation of individuals — a most laudable end, he must admit, and most praiseworthy in the eyes of Heaven and of men; but that affected only the hundreds or the thousands, while the power of a punishment to deter from the commission of crime, extended its influence over the millions in society whom it retained in the paths of honesty and virtue. Some of the resolutions, however, seemed to depart from the recognition of that principle. He said, the moment that they admitted different kinds of labour into these prisons—labour which would not be disagreeable to the prisoners subjected to it—that moment they diminished the deterring power of the punishment. If they looked for profit from the establishment, they thwarted the deterring effect which was primarily contemplated, because labour, to be profitable, must be that labour which was most agreeable to the prisoner; so that a carpenter must be employed in carpentering, and the mason in masonry, none of whom were so likely to view that kind of labour as a punishment. That labour which was most disagreeable was not likely to be the most profitable, and therefore with it the establishment could not be self-supporting. With respect to the prisons of the United States, he was sure, considering the great value of labour in that country, even the humblest kind of labour, so as to be secure of a certain return, his noble and learned Friend would never think of being able efficiently to introduce their system into England: at the same time he believed that it was capable of being carried out to a great degree in this country —that it was capable of being connected with the separate system, and with that, after a reduction had been made in the period and character of the punitive discipline applied, that the period might be shorter and the punishment severer; or if longer, then less severe; he believed it was a system likely to succeed in the great objects contemplated by prison discipline. Since they had abandoned capital punishment for many offences of a most serious nature, they were bound to adopt a system which, with a degree of severity short of absolute cruelty, combined sufficient force to impress itself on the minds of all, so as to operate effectually in preventing the commission of those offences. He believed that improvement could be effected through the separate system. He admitted, with his noble and learned Friend, that considerable difficulty in dealing with the subject arose from the inequality of system which prevailed in different parts of the country; but he trusted that ere long the magistrates in their different districts would bring the subject under the consideration of their colleagues, and that not many years would elapse before there was an equality of system throughout the gaols. He believed that for many years past many acquittals were attributable to the uncertainty occasioned by this difference of system, the jury not knowing what punishment might follow the verdict if they pronounced against the prisoner. But when that uniformity of imprisonment had been introduced, with short periods for what might be called the punitive part of the sentence, and when, that having been endured, the individual was put to labour on the public works, and was admitted, according to his character and industry, to share in the profits of his labour, he trusted to see it carried out effectually and with benefit to the community at large—it was a subject to which the attention of Government would continue to be directed. The amount of punishment necessary might be regulated by the separate system with greater definiteness than under any other; and he believed that in a short time the number of committals would be much less under that system than they had ever been before. One other subject to which he wished to direct the attention of their Lordships was the necessity for reducing the food and luxuries of the prisoners to the lowest point compatible with the preservation of health. He agreed with his noble and learned Friend, that after many years of something like cruelty in respect of scantiness of diet, we had now in many instances pushed the matter to the other extreme, giving to those in prison such luxuries as they could not obtain by their own labour out of prison, thereby rendering imprisonment an attractive object to the indolent. An inquiry upon this subject was at present pending. The attention of his right hon. Friend at the head of the Home Department was being directed to it, with the view of bringing the diet within the limits consistent with humanity on the one hand, and with a just severity on the other. Unless the noble Lord should withdraw his resolutions, he should feel himself under the necessity of moving the previous question.

Lord BROUGHAM said, the noble Lord was quite mistaken in supposing that he was entirely opposed to the separate system. On the contrary, one of his resolutions asserted, "that with the view of punishment as well as reformation, separation with labour should in proper cases be effected," &c.

The Marquess of LANSDOWNE said, it seemed to him that the noble Lord laid that down as an exception, whereas, in his (the Marquess of Lansdowne's) opinion, it ought to be made the rule.

The Earl of CHICHESTER hoped he should be indulged while he made a few remarks on the general subject, and also on the statements which had been made by his noble and learned Friend opposite. If the object of his noble and learned Friend in bringing forward his resolutions had been to give more uniformity and efficiency to the administration of the penal law of this country, as, for instance, by giving a greater power to the Executive Government to improve the system of imprisonment, and to exercise more authority over the systems adopted in different prisons than was the case at present, he should have entirely concurred with him, because he had for years past regretted the want of such power in the Executive Government. He was glad to find that his hon. Friend the Secretary of State had been making great efforts, and he believed with no little success, in that direction; but the object could not be effectually accomplished without some legislative enactment of a much more comprehensive character than had yet been brought forward. If, again, the object of his noble and learned Friend had been to make a broad distinction between adult and juvenile offenders, in order to induce their Lordships to pass an Act for some new and improved mode of treatment for juvenile offenders, he should have entirely concurred with him in that also, because he believed there ought to be some totally different mode of treatment devised for the least criminal of juvenile offenders. At the commencement of his speech, his noble and learned Friend had made some remarks very inculpatory of the mode in which the separate system of confinement was carried on at Reading. It was not for him (the Earl of Chichester) to defend either the reverend gentleman, whose report the noble and learned Lord had read, or the authorities of the prison; but he might be permitted to state, that he knew that clergyman to be a most respectable man, and that he bore the character of a most useful chaplain. As to the prison itself, on passing along the road, he had seen it several times, and there was a degree of ornament about it which, however, he thought exaggerated by the reverend gentleman in his report; but it was only justice to the author of the report to say that the great object he had in view in speaking of the milder character of the Reading prison discipline was to meet the objections usually raised against the separate system, of its being one of extreme severity and cruelty. The only ground of objection which he had heard raised to the system as it was adopted at Pentonville, was, that its severity was so extreme as to be cruel both to the mind and body, and to leave the prisoners in a state wholly unfit for useful industry at the expiration of their confinement. The same objection had been raised to the Reading gaol; and that was the reason why the reverend gentleman had made the observations he had, being anxious to remove all such ground of objection. The best proof of the benefits arising from the system adopted at Reading, was the paucity of recommitments. With regard to the diet, he concurred with his noble and learned Friend that it should not be luxurious; but when he informed their Lordships that the diet which was now adopted generally throughout the kingdom was the result of a very close and strict examination on the subject, instituted by Sir James Graham —that it was based on the experiment tried at Pentonville, where the commissioners were obliged to raise the allowance they had originally fixed upon, from time to time, until they had selected the present one, which was found by experience to be on the lowest scale consistent with health. Having stated this, he trusted their Lordships would not consider this dietary a luxurious one. With respect to the system of confinement generally, that adopted at Reading was precisely the same as at Pentonville and other separate prisons, and which had proved to be one of very considerable severity. It had been adopted seven years ago at Pentonville, a prison built for the purpose, after a very thorough investigation of the subject, and after the Legislature and the public had had ample opportunity of considering the able report which had been made by Mr. Crawford. The system was then adopted, not exactly in accordance with that which then existed in the United States, but with many modifications, rendering the punishment less severe, but equally calculated to accomplish the reformation of the prisoners, and to deter others from crime. He would refer their Lordships to the reports of the Pentonville Prison Commissioners, who, after having had every opportunity of judging of the system, had reported that the effect produced on the minds of prisoners had been highly satisfactory. The labour to which the prisoners had been put, and the instruction given to them, had alleviated the severity of complete separation. The commissioners, after instituting the most searching investigation into the results after several years experience, entertained the most favourable opinion of the system, and considered it capable of being adopted as a general prison discipline throughout the country. It seemed to him, in reading the resolutions, that they asserted the principle of classification, which had always been connected with association. Classification and association had been severely condemned long before it was actually legalised. It had been condemned by John Howard, who with all his benevolence towards prisoners, had never lost sight of the important principle that punishment ought to be such as to deter offenders; and it was well known, that three prisons existed lately in this country, built under the advice and direction of Howard, and adapted for separate confinements. The Government had afterwards adopted this vicious system of classification; but for the last ten years there had not been one expression of opinion by the Legislature which had not condemned it, and which had not been in favour of entire separation, or at all events of a system of which that should be the basis. He had been rather surprised at another part of his noble and learned Friend's resolutions—he meant the provision which was intended for the purpose of protecting industry from prison competition. He noticed that because a noble Friend of his, a noble Duke who was not then in the House, would certainly, had he been present, have been much pleased at finding his noble and learned Friend thus suddenly become an advocate of the extreme doctrines of protection. But there was no necessity for apprehending danger from prison labour interfering with the industrious out of doors. There was a complaint undoubtedly made last year to the Secretary of State, which had been referred to himself and others, respecting the sale of articles made by persons in prison as interfering with the artisans of the metropolis; and it was ascertained that a certain degree of injury had been inflicted by articles made in prison having been brought into the market and sold at prices a little below the market price. A wholesale dealer having bought such articles, went to poor people whom he had been in the habit of employing, and told them if they did not make similar articles for the prices at which he had purchased the other, he should get all he required afterwards from the prisons, and in that way he succeeded in bating down prices. The injury which formed a just ground of complaint was not simply competition, but an unfair competition. This evil was accordingly corrected by an order that nothing should be sold below the prices out of doors. He was aware, however, that similar complaints would be made so long as commodities were brought into the market which interfered with the manufactures of others. As to earnings in prison, though it was important that industrious habits should be inculcated, and economy practised, yet it was not by means of enforcing industry in prison that either the one or the other was to be secured, and the actual amount of profit should not be looked at so much as the deterring from crime, and reforming the prisoner; because, if prisoners were reformed, they would return to an honest life, and the pests of society be decreased. In this country the practice had not been to liberate prisoners before the expiration of their sentence; but that plan had been adopted in the colonies with a large number of the Pentonville prisoners, and at least four-fifths of those who had been so liberated, under tolerably favourable circumstances, had turned out valuable servants. With respect to a remark made by the noble and learned Lord as to the employment of the hands and skill of prisoners, as well as their minds; it was quite true, that if a prisoner was to pass the whole of a long sentence in separate confinement, he would, upon his discharge, be quite unfit for agricultural or other laborious work. In such cases, therefore, when the confinement was to be long, it would be desirable to modify the rigour of the separate system towards the end. Some had contended that an inducement should be held out to prisoners to acquire habits of industry by letting them have a portion of the money they earned in prison; but the practice, where tried, was found to work with great inequality, and to be injurious to discipline, and he did not agree in that opinion. All experience, then, showed that the most efficient means both for deterring and reforming, was the separate system; and he should be sorry to see any impediment thrown in the way of extending that system throughout the country. He would remind the House that in the separate system, as it existed at Reading, there was nothing to exclude hard labour. He trusted that whatever reform might be introduced into prison discipline—and he quite agreed there was great room for it—no system would be adopted which did not, in the first instance, at all events, secure complete separation.

The Bishop of OXFORD said, that after what had fallen from the noble Marquess and the noble Earl who had spoken last, he should not trouble the House upon the general question with which the attention of the House had been occupied; but he felt that some remarks made by his noble and learned Friend opposite, called for some special observations in reply. He was quite sure his noble and learned Friend had not, in one single thing, intended to misrepresent the state of Reading gaol, or the benevolence of the gentlemen who had been most actively and usefully engaged there; but in his speech, he had, unawares, misrepresented both to a considerable degree; and he thought it due to those gentlemen, whom he had seen and accompanied in their works, and, having the opportunity of doing so, to set their Lordships right, and not to allow them to go away under an impression that those gentlemen were liable to the ridicule which had been cast upon them, but were men entitled rather to every honour and praise. It was a dangerous thing to turn what men did of a laudatory character into ridicule; and his noble and learned Friend had spoken of Reading gaol as if it were to be supposed that the sole thing expected by the conductors of the Reading gaol to benefit the prisoners was study. "Study, study, study," over and over and over again, was his noble and learned Friend's statement. Now, how could that be the case, when a Committee of their Lordships' House had sat on this very subject, and when his noble and learned Friend had failed in all his endeavours in cross-examination to make the witnesses say that it was "study, study?" And his noble and learned Friend would excuse him for reminding him that one of the witnesses, upon being pressed by him as to some supposed new secondary punishment, said they had no secondary punishment, but that a new one had been introduced to him that day, in the character of the examination to which he had been subjected; and a magistrate who had been examined said, they did not trust to study but to corrective instruction, by which he meant a correct religious education, and not study. Now, that was most important, for it was bringing into the minds of the men imprisoned a new species of influence. It was not the dry fact that they were taught to read, but to understand that which they did read. It was to raise them in the scale of moral beings, instead of allowing them to associate with those whose influence was only calculated to sink and debase them. Then his noble and learned Friend had made great fun of the conductors of the Reading gaol, for he had asked how great was the effect of this system — this study in the Reading university—

Lord BROUGHAM observed, that he really had said no such thing.

The Bishop of OXFORD said, he did not mean that his noble and learned Friend had said so that night, but he had on a former occasion; and he found by referring to the examination of the chaplain, that he stated he could not expect any distinct alteration to be made in a prisoner under six months; and another witness had said that three months was the very shortest time that could be relied upon for any decided effect to be produced. They, however, all said the system had a very deterring effect; and so it must have, because, when those who had been accustomed to live by the excitement of bad company, dreading to be left alone for a single moment, came to be placed in solitary confinement for a fortnight, or even a week, they were forced into self-communion; they had the realities of eternity before them, with no occupation to draw their minds away from the exercise of such thoughts; and in that way he believed that the system pursued at Reading would be found to be one of the most deterring and useful systems that could be adopted. The object of the report of the chaplain of Reading gaol, which had been so much commented on, was distinctly apologetical; it was written to prove that it was not in reality a cruel system, but on the contrary, that it was a system in which no suffering was inflicted that could be avoided; and he (the Bishop of Oxford) said, in the administration of prison discipline in the gaol at Reading, he did not believe that those mischievous principles of morbid sentimentality for the criminal were really to be found acted on there. The House would bear in mind that the commitments, after this system was introduced, fell in the county of Berkshire from 900 to 772, and that at a time when railroad works were going on very extensively in the neighbourhood of Reading, which brought into that neighbourhood a fleeting and uncertain population, which would be likely more than any other to increase the number of committals to the gaols. The number of recommittals fell from thirty to twenty per cent on the whole committals. Besides, their Lordships must go to other gaols; they could not form their estimate of the system from this gaol alone. He knew the case of a man who was recommitted after a certain sojourn in Reading gaol, and who, after he was taken up, expressed the greatest anxiety to know which gaol he was to be taken to, for he felt the deepest horror at the idea of confinement in Reading gaol again. On being told he was to be taken to that goal again, he said he thought he was safe in having committed an offence in Berkshire, for he had enough of Reading gaol. Again, after this system was adopted, the vagrants, the class of all others less likely to be affected by it, fell one half; and in the very same year the vagrants had increased in the gaol at Hereford three-fold. The magistrates could only trace that result to the circumstance that those men shrank so exceedingly from the self-communion to which they were forced in Reading gaol, that they avoided the neighbourhood, and took themselves to other places, because they dreaded this punishment more than any other. There was another very remarkable case, and that was the restorative effect of this measure which the magistrates had been able to trace in the prisoners. One of the magistrates, who takes the deepest interest in this system, had taken the pains to trace those who had been discharged from Reading gaol, and he had found no less than 100 prisoners committed to that gaol, who three years afterwards had been restored to society in England, and were now living in their own parishes, good and respectable members of the community. With regard to the question of the cheapness of the gaol, the real test of that was how far it did the work of reformation, and saved the country the expense of maintaining criminals. In Reading gaol it was found the average expense of maintenance was only 2*s.* 6*d.* a head; whilst in the other gaols throughout the kingdom the average was given at 1*l.* 7*s.* If only a small per centage of the number maintained at 2*s.* 6*d.* were restored to society, and enabled again to earn their own bread by their own labour, the country was infinitely the gainer. He thought it was the cheapest system if only it could be shown that it most deterred from crime; and if it reformed those who, under the influence of crime, had been committed to prison. With respect to the hard labour in Reading gaol, the principle there was this—it was found if there was any kind of discipline from which the prisoners, after they had been a certain time in prison, shrunk more than from anything else, it was being left absolutely to themselves. The result of that confinement was that they craved for work rather than be left to themselves. Those men recurred especially to mental labour as an escape from the solitude to which they were subject. Instead of its being necessary to force labour on them as a punishment, they had been led, after their confinement in prison, to associate that labour with pleasure, and to look upon it as something infinitely more tolerable than perfect idleness, when that perfect idleness was forced upon them; and so it was found that those men, out of prison, looked upon labour, not as a great infliction, but as one of those curses which the goodness of God had turned into a blessing. He (the Bishop of Oxford) had been himself in Reading gaol; he had gone unattended, and from cell to cell, and had seen and conversed with those persons who were confined alone; and he could truly affirm that they had learnt to feel that perfect idleness was their greatest curse. He thought, therefore, that the system pursued there had been proved by those results to be, to a very great degree, that which their Lordships were aiming to discover. With regard to the dietary, it was very well to say those men were better fed than they would be in their own cottages. They were better fed in one sense, but they were not absolutely better fed; they were kept just above the disease point. It was difficult, of course, to find that exact point. That was the object of the magistrates of the gaol at Reading; and if they had erred at all in framing the dietary, it was because they could not absolutely attain that medium which preserved health and prevented disease.

The Earl of HARROWBY said, that having had opportunities of observing the working of the separate system at Pentonville and in the county of Stafford (with which he was connected), he could bear testimony to the utility of the system. It had been in operation in Staffordshire now, for two years and a half, and it had worked extremely well. Before it had been adopted there, the recommittals were one in eight or nine; but since, they were reduced to one in twenty. They had about 1,800 prisoners subjected to the system for the period during which it was in operation, and there was not one instance of mental aberration of any kind all the time. The effects produced by the system were most salutary; but it was a powerful engine, which required the zealous and strict attention of all parties who undertook to see it carried out. He hoped sincerely it would be introduced into parts of the country where it was not now used.

Lord BROUGHAM, in reply, contended that it was perfectly wrong to put an untried prisoner into a solitary cell. There was a man, for example, committed at York on the 20th of July; that man remained there until the middle of March in prison. The law said that man was innocent. He passed the nights and days of the whole of the winter months in a separate cell; his mind was reduced by that punishment to such a state that he dissolved into tears when they talked to him of mother, or home, or showed the least appearance of sympathy. Was that to be borne? The law said that man was not guilty, and yet he was to be confined for six months in a separate cell. The benefit of that separate system was said to be that it deterred others from committing the like offences; but that man had committed no offence; he was an innocent man. He (Lord Brougham) should not cease to move their Lordships until that punishment ceased. With respect to Reading gaol, he was sorry his right rev. Friend (the Bishop of Oxford) and himself were at issue on that subject. In his (Lord Brougham's) remarks, it was not Mr. Field to whom he alluded, but Mr. Field's book. In extenuation of his offence, he (Lord Brougham) might read a few questions and answers taken before the Committee on Prison Discipline. For instance—"What is the whole occupation of the prisoners in your gaol?" Answer—"Instruction." Another answer was, that "Labour would necessarily diminish the success of the instruction." Again—"In what would you have them employed?" Answer—"In nothing but education." He thought those quotations rather bore out his assertion that it was "Education, education." The witness afterwards defined the education to be desired as "religious and moral education." Now, the Church had to do with religious education in the salvation of souls; but society had to do with education only to make men better members of society; the rest was between man and his Maker. So far as they could consistently improve a man's morals and make him a better and more industrious member of society, by all manner of means let them have education. With regard to Mr. Field or the magistrates, he (Lord Brougham) disclaimed any disrespect. He should not go further than to withdraw his resolutions, and leave the subject in the hands of the noble Marquess.

Motion, by leave, withdrawn.

AUDIT OF RAILWAY ACCOUNTS BILL.

Order of the Day for the Third Reading read.

A Noble PEER said, that he had prepared an Amendment to the 21st Clause of the Bill, which he considered to be of some importance, and with a copy of which he had furnished the noble Lord opposite (Lord Monteagle). Understanding, however, that it was deemed very expedient that the progress of the Bill through the House should not be impeded, he was willing to waive bringing forward the Amendment in question, provided that the noble Lord would assure him that there would be no objection to its being brought forward in Committee on the Bill in another place.

Lord MONTEAGLE begged to express his obligations to the noble Lord for the manner in which he had put the subject of this Amendment to their Lordships. On his part, he had much pleasure in being enabled to state, that, having put himself in communication with his noble Friend the Vice-President of the Board of Trade on this matter, he found that there would be no objection to this Amendment being introduced in the way and on the occasion referred to by his noble Friend. It was also his intention to have another clause introduced into the Bill, in like manner, under which the Railway Commission would have a power of varying, at their discretion, the times (now fixed and specific) at which railway companies should be required to make up their accounts, in order to their being publicly submitted to audit. This would prove, he trusted, a means of providing additional security and protection to shareholders and the public in general, and an effective check upon the future management or direction of these railways.

Bill read 3^a.

Amendment made.

Bill passed, and sent to the Commons.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 6, 1849.

Minutes.] Public Bills.—1° Sale and Manufacture of Bread; Friendly Societies (No. 2); Boroughs Relief; Trustees Relief; Inland Posts (Colonies).

2° Protection of Women; Turnpike Acts Continuance, &c.; Highway Rates; Benefices in Plurality (No. 2); Titles of Religious Congregations (Scotland).

Reported.—Small Debts Act Amendment.

3° Consolidated Fund (3,000,000*l.*)

Petitions Presented. By Sir H. Meux, from O'Connorville, for Universal Suffrage.—By Captain Fordyce, from Aberdeen, against, and by Mr. Scott, from Dunse, in favour of, the Marriages Bill.—By Mr. Plumptre, from Upper Holloway, against Endowment of the Roman Catholic Clergy.—By Mr. Hume, from the Court of Policy of British Guiana, for Relief.—By Mr. Robinson, from the House of Assembly of Newfoundland, complaining of the Interference of Foreign Powers with the Newfoundland Fisheries.—By Mr. Burroughes, from North Walsham, for Repeal of the Duty on Attorneys' Certificates.—By Sir W. Codrington, from Chipping Norton, Moreton in Marsh, and Stow on the Wold, for Reduction of the Duty on Bricks, &c.—By Mr. Benbow, from the Hundred of Mutford and Lothingland, for Rating Owners of Tenements in lieu of Occupiers.—By Mr. Disraeli, from Wetherby, Yorkshire, for Agricultural Relief.—By Mr. Vernon Smith, from Proprietors of Hotels, &c., complaining of Burthens.—By Mr. Reynolds, frsm the North Dublin Union, for an Alteration of the Poor Relief (Ireland) Bill.—By Mr. Harry Waddington, from Woodbridge, for the Protection of Women Bill.—By Mr. Cowan, from Edinburgh, for an Alteration of the Public Health (Scotland) Bill.—By Mr. Roebuck, from Islington, for the Recognition of the Roman and Hungarian Republics.—By Mr. Wawn, from Jarrow, for an Alteration of the Sale of Beer Act.—By Lord Dudley Stuart, from Edmund Cook, Law Stationer, complaining of the Conduct of the Judge of the Clerkenwell County Court; and for an Alteration of the Small Debts Act.—By Mr. Cobden, from Notting Hill, for the Formation, between the British Government and other Governments of the World respectively, of Treaties by which International Disputes may be decided by Arbitration.

POOR RELIEF (IRELAND) BILL.

On the Order of the Day being read for considering this Bill as amended by the Committee,

On the Motion of Sir G. GREY, the following clause, originally suggested by Mr. Napier was inserted in the Bill:—

> "And be it enacted, That when any rate for the relief of the poor shall be made after the passing of this Act, it shall not be lawful to commence any proceeding for the recovery of any arrear thereof against any person not primarily liable to pay the same, unless within the period of two years next after the making and publishing of the said rate."

Mr. SHARMAN CRAWFORD then moved the insertion of a Clause:—

> "That so much of the Irish Poor Law Act as provides, that whenever the net annual value of the whole of the rateable hereditaments in any Union occupied by any person or persons shall not exceed 4*l*., the rate in respect of such property shall be made on the immediate lessor, be repealed, except as to anything heretofore done or now pending under this Act."

He was by no means desirous to establish the principle that persons, not paupers, were to be excused from the payment of rates to the maintenance of the poor. According to law, as it now stood, provision was made for the liability of immediate lessors for the whole rates, in place of the occupiers, in certain cases, of the value of rateable property; and his object in introducing the clause was to repeal so much of the Act as provided that, wherever the net annual value of the whole of the rateable hereditaments in any union shall not exceed 4*l*., the rate in respect of such property shall be made on the immediate lessor. He believed that the law as it now stood had encouraged evictions very much, and tended to an immense extent to increase the sufferings of the people. It was impossible that the land could be properly cultivated if labourers could not live on the soil, within a reasonable distance of their work.

Clause brought up, and read a First Time.

Mr. W. FAGAN said, that though he gave the hon. Member for Rochdale credit for the humane motives which induced him to bring forward this proposition, he did not agree with him as to the effects which it would produce. He would give his opposition to the clause, as he was of opinion that it would be impossible to collect rates if that part of the law were repealed.

Sir J. YOUNG said, the exemption under the 4*l*. clause was meant to facilitate the collection of the rates, and to relieve the small occupiers from a tax which it was supposed they were unable to bear. Those two objects had been effected by the clause; but it was liable to the objection that it threw upon the immediate lessor a heavy charge. He was, however, told that the latter difficulty might be in great part remedied by a new form of the rate-book, without the necessity for new legislation. It was a question whether the exemption of the occupier from poor-rates had not brought upon him a still heavier evil in the liability to ejectment. The Earl of Clancarty, who possessed property in one of the most distressed districts, wished to assimilate the 4*l*. exemption and the quarter-acre clause; and he suggested that the 4*l*. should be reduced to 2*l*. The 4*l*. clause undoubtedly prevented small farmers from improving their land, lest they might become subject to the payment of poor-rates, while it supplied the landlords with a powerful motive for wishing to get rid of tenants of this unimproving character. He thought, upon the whole, the clause in the present Bill might be allowed to stand in its existing shape, until after the effects of the famine had passed away. The main portion of the evictions, he was convinced, were not owing to the 4*l*. clause; and he believed that without the poor-law these evictions would have continued to take place.

Sir G. GREY admitted that a good deal of hardship might have arisen from the operation of the clause; but they should take care that in endeavouring to obviate one hardship they did not create a greater one. It was admitted, he thought, by all the witnesses examined on the subject, that if the rates of those small tenements were placed on the occupiers, there would be a practical impossibility in collecting those rates, and those rates would be lost. It was admitted that by this law a heavy tax was inflicted on the landlords and immediate lessors; but still it was stated to be a better plan than to require the occupiers to pay the rates. Though some evictions had followed from this law, it should be considered that owing to its operation the occupiers were exempted from the distress for recovery of the rate to which they would be liable if the clause had not been passed. He thought the House would be acting very unwisely if they consented to a proposition which would render the small occupiers subject to such distress, and they would peril a great portion of the rates.

Sir DENHAM NORREYS said, that a vast number of evictions had taken place in consequence of the operation of the clause. That, in fact, was almost the necessary result of throwing upon the landlord the responsibility of the rates of property, out of which he did not receive rent, but out of which he would receive rent when he consolidated those small holdings and formed them into a large one. It struck him that it would be a better plan than the present to have no tenement rated that was under 20*s.* value. He knew the proposition was open to the objection that there might be fraud on the part of the valuator; but, on the whole, wishing to see some degree of certainty in the administration of the system, he thought it would be a more simple and intelligible plan than the one at present adopted.

Mr. SADLEIR would resist the proposal of the hon. Member for Rochdale, if he could agree in the assertion that the poor-rate would not be recoverable if the 4*l.* clause were repealed. But the fact was, there was no practical remedy at present for the recovery of the poor-rates due in respect of these holders under 4*l.*, and it would be found that of the sums due for poor-rate the greater proportion was owing for the rates of these occupiers under 4*l.* The 4*l.* clause had a natural tendency to promote the system of extermination, and its repeal would be the first step towards enforcing the collection of the poor-rate upon holdings of less than 4*l.* value. On these grounds he was favourable to the practical repeal of the 4*l.* clause by the proposition of the hon. Member for Rochdale.

Colonel THOMPSON was unwilling to vote against a Motion of his hon. Friend the Member for Rochdale without giving a reason for it. It appeared to him that the evil on one side was more immediate than on the other. It was right that there should be some interval, some gulf, between the man who paid poor-rates to-day, and the man who might become a pauper to-morrow. The tendency of the 4*l.* clause seemed to be to keep up that gulf, and for that reason he must vote against the proposal now before the House.

Mr. MONSELL denied that the operation of the 4*l.* rating clause was, as had been stated, the main cause of producing evictions in Ireland, though he did not deny that it might have some effect in producing those evictions. For instance, he would take the case of the Kilrush union, where, he believed, the greatest number of evictions had occurred, and there he found that out of 8,000 persons rated for the poor, 3,500 only were rated under 4*l.* Then he would take a union in which there had been no ejectments, the union of Mountmellick, and there he found that out of 13,000 persons rated for the poor, 8,000 were rated under 4*l.*, being a much greater proportion than the number valued under 4*l.* in the Kilrush union. If the 4*l.* rating clause had been the cause of producing ejectments, there must have been a greater number of evictions in the last-named union than in Kilrush. That the clause produced some effect in that way, he did not deny; but the difficulties arising from its repeal would be far greater than those which now exist.

Colonel DUNNE observed, that the circumstance of any proposition having originated with the hon. Member for Rochdale, afforded to the House and the country a sufficient guarantee that such proposition would not be oppressive to the poor, or unduly favourable to the landlord. But yet he could not help feeling considerable surprise when he heard any Irish Member prefer the collection of the rate to the safety of the people. With respect to this rate on 4*l.* holdings, he had formerly recommended that half of it should be paid by the tenant, and half by the landlord. Objection had been taken at the time to that plan, on account of the difficulty of collecting rates in the west and south of Ireland. He regretted that the plan which he suggested had not been carried out; and he thought that the best course which he could now take would be to support the clause as it stood, and oppose the proposition of the hon. Member for Rochdale. He feared that that hon. Member's proposition would have a tendency to keep many ablebodied labourers in a state of idleness. It would cost very little less than 1,000,000*l.* a year to keep them in a condition of idleness. The object at which all legislation on this subject should aim should be to place all holders of land in such a situation as would enable them to pay their own rates. He had recently seen in the *Times* newspaper a letter, bearing the signature of "S. G. O.," which was understood to have been written by the same gentleman who wrote other letters in that journal under the same signature, which appeared last year. They were not very flattering to the people of Ireland, nor very favourable to their interests, inasmuch as that gentleman advised his parishioners not to subscribe anything towards the relief of the Irish. It was, however, satisfactory to observe that, with much candour, he now gave a statement of what he had seen in Ireland, and it would be impossible for any one to read that letter without feeling that its statements fully bore out the positions for which he (Colonel Dunne) had long been contending. The letter to which he referred appeared yesterday. This morning in the same journal there appeared another letter, a manifesto from the Chief Governor of Ireland, by which a policy was avowed that must, if acted on, have the effect of driving the Irish landlords from their estates. There was in that letter an opinion clearly expressed in favour of a change of proprietary.

Sir L. O'BRIEN said, it was obvious that the landlord would not continue to pay the rates for a tenant from whom he received no rent. With regard to the case to which the hon. Member for the county of Limerick had referred, he would observe that while the rates are low in the union of Mountmellick, the landlord may not object to pay them; but where they had risen to 7*s.* 6*d.* in the pound, no landlord could go on paying year after year for the tenants rated under 4*l.*, and permit them to remain in possession. In case the House should agree to the Motion of the hon. Member for Rochdale, he (Sir L. O'Brien) would propose to add this proviso to it, "that tenants paying under 1*l.*, and holding under a quarter of an acre of land, should be exempted from poor-rates."

Lord J. RUSSELL hoped the House would come speedily to a decision on the clause. It appeared to him one of the most difficult questions connected with the poor-law. It could not be denied that the clause was not so severely felt while relief was only given in the poorhouses, and that it had a much stronger effect since the extension of the poor-law in 1847; but with respect to the total repeal of the clause, he felt that serious evils would follow from it. One evil was, that there would be a less sum applicable for the relief of the poor, and that the fund for their relief would be considerably diminished. The second evil was, that there having been in the past winter resistance in various parts of the country to the collection of the rates, they would run much greater risk of collision between bodies of the peasantry and the armed force of the Government engaged in collecting the rate, than they do at present. He thought it much safer, therefore, to keep the clause as it stands in the Act of Parliament, than to adopt the proposition of the hon. Gentleman. Whether it might be possible to collect the rates as was done in some of the towns in England, or that there might be some modification of the clause, was another question for consideration.

Mr. SHARMAN CRAWFORD said, that if the Government undertook to take the question into consideration previous to the third reading, he would be most happy to withdraw his clause; but if no other hon. Member proposed an Amendment, and if the Government would not enter into any engagement to consider the question before the third reading, he was determined to take the opinion of the House upon his Motion.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The House divided:—Ayes 25; Noes 55: Majority 30.

List of the Ayes.

Bateson, T.
Beresford, W.
Blake, M. J.
Burke, Sir T. J.
Burrell, Sir C. M.
Dickson, S.
Dunne, Col.
Ferguson, Sir R. A.
French, F.
Hamilton, G. A.
Hamilton, J. H.
Hindley, C.
March, Earl of
Naas, Lord
Napier, J.
Norreys, Sir D. J.
Nugent, Sir P.
O'Connell, J.
O'Connell, M. J.
O'Flaherty, A.
Reynolds, J.
Sadleir, J.
Scrope, G. P.
Scully, F.
Stanley, hon. E. H.

TELLERS.
Crawford, S.
O'Brien, Sir L.

Sir R. A. FERGUSON then rose to move the adoption of a clause tending to give facilities to the valuation of town lands in the different unions; but said he would not trouble the House to divide upon it if there was any objection to its reception.

Clause brought up and read a First Time.

Sir W. SOMERVILLE said, there was no doubt that the object his hon. Friend had in view, namely, to bring into operation a speedy valuation, was very desirable; but he could not help thinking that the adoption of this clause would lead to considerable embarrassment and confusion. He thought, on the whole, it would be better not to adopt the clause; and he could assure his hon. Friend that there was every disposition on the part of the Government to hurry on the valuation as quickly as possible.

Motion made, and Question proposed, "That the said Clause be now read a Second Time."

Motion and Clause, by leave, withdrawn.

Mr. BATESON moved the addition of a Proviso, of which he had given notice, to the following effect:—

> "Provided always, That when a person chargeable to any electoral division shall have received relief, and shall cease to be relieved, and shall hereafter, within the period of twelve months, again begin to receive relief, such last-mentioned relief shall be chargeable on the electoral division in which such person was in the first instance chargeable."

Proviso agreed to.

Mr. W. FAGAN moved, pursuant to notice, the following Proviso:—

> "Provided always, That the cost for the relief of destitute poor who shall not have resided in the union where such relief is given for the last three years next previous to receiving such relief, shall be charged and chargeable according to the provisions of an Act passed in the 10th year of the reign of Her present Majesty, intituled, 'An Act to make further Provision for the Relief of the Destitute Poor in Ireland.'"

After a short discussion, in which Sir D. Norreys, Sir G. Grey, and Mr. Herbert took part, Proviso agreed to.

House resumed.

Bill to be read 3° on Monday next. Bill, as amended, to be printed.

THE WAR IN HUNGARY.

Mr. HUME wished to ask a question, of which he had given notice to the noble Lord at the head of the Government yesterday. He wished to know how our relations with Austria now stood, and how the Treaty of Vienna was to be considered as affected by the events now going forward? He was anxious to learn whether the changes that were now going on, and the interference by Russia in Hungary, would put an end to that Treaty of Vienna, and in what position this country was likely to be placed in consequence?

Lord J. RUSSELL: With respect to the question which the hon. Gentleman has asked me, as I understand it, I have to say that there will be no interference whatever with the stipulations of the Treaty of Vienna by what has taken place in Hungary. The Emperor of Russia having been called on by the Emperor of Austria to assist in suppressing the insurrection in Hungary, he has lent his troops for that purpose, and he has made a representation to the British Government that he has interfered for that purpose only. I am not aware that any stipulations of the Treaty ef Vienna will be at all interfered with by these proceedings.

Mr. HUME said, the noble Lord had not answered his question. It was said that certain territories were to be ceded to Russia by Austria, which would altogether alter the arrangements of the Treaty of Vienna; and he wished to know how such an arrangement was likely to affect this country?

Lord J. RUSSELL: We have received no information whatever of any such arrangement, and I certainly do not believe there are any grounds for the current rumours to which the hon. Gentleman alludes.

Mr. B. OSBORNE: Would the noble Lord state to the House what are his grounds for calling the war in Hungary an insurrection?

Lord J. RUSSELL: That is a question to which I could hardly give a brief answer at present.

Mr. B. OSBORNE: Then I beg to give notice that I will take an early opportunity of bringing the matter forward, so as to give the noble Lord an opportunity of considering the question.

Subject dropped.

STATE OF THE NATION—ADJOURNED DEBATE.

Order read for resuming the Adjourned Debate on Question, "That this House will resolve itself into a Committee, to take into consideration the State of the Nation."

Question again proposed; debate resumed.

Mr. SLANEY said, that, by his position, by his feelings, and by his property, he was linked with what was called "the landed interest." Therefore, in addressing himself to the subject before the House, it could not be from any prejudice against the views brought forward by the hon. Member for Buckinghamshire, that he should refrain from voting with him. He should state, as briefly as possible, the motives which induced him to vote against that hon. Gentleman. The hon. Member for Buckinghamshire had contrasted the condition of the country in the years 1845 and 1846 with what it was now, and he had gone into long statistical details to show its depressed and distressed state. He had said, "Here you behold the effects of your policy. This is what has marked the progress of free trade and the change in our corn laws." But with that hon. Gentleman's ability and intelligence, he could not but have discovered other causes for the distressed condition of the working classes, had he viewed and examined the question dispassionately. He must, had he looked fairly and calmly into it, have seen in the distressed condition of Ireland, resulting from the loss of the people's food for three successive seasons, one great cause for the influx of pauperism into England. He would have remembered that in England also the potato blight had done its work. He would have recognised, in the disturbed state of Europe, an ample cause for the depression of the trade and manufactures of England. Every candid man must, after examining the matter, have attributed the distressed condition of the people, where it existed, to other causes than those assigned by the hon. Member for Buckinghamshire. But his assertions regarding the condition of the working classes had been met by a statement so ample, so clear, so irrefutable, as to show that he was entirely in error in stating that they were as depressed as he represented, and therefore that he was in error in stating that their depression arose from those causes which he alleged. But there was one point which he (Mr. Slaney) should concede. It was, that many of the agricultural population in the southern districts of England were very much distressed indeed. The Chancellor of the Exchequer had made the same admission; but he had mentioned also one of the causes—the bad harvest in some of the southern counties. From the badness of the harvest, from the consequently large importation of foreign corn, and the depression in price consequent upon the change that had taken place in the laws, that distress had partly arisen. But there was one cause which had not been stated—one which related to the low prices of corn in those southern districts. Looking at the average price of corn, he found that for the year 1849 it ranged much higher—up to 56*s.*—in the northern counties. That, he thought, showed distinctly that in those southern counties, favoured generally by beautiful weather, yet in which the price was lowest, the cause was that which had been stated by the Chancellor of the Exchequer, namely, the bad state of the grain itself. But the one great cause of distress which had not as yet been touched upon, was the very bad mode in which the poor-laws had been carried into operation for many years past in the southern counties. So long ago as 1834, the Commissioners stated that the Poor Law Act had been wrested from its original intention—that the poor were very much distressed—and that their condition was very bad in consequence of the manner in which the poor-laws were dispensed. In examining a question of the importance and magnitude of the present, such matters should not be lost sight of. Now, what was the object of the hon. Member for Buckinghamshire? It was, to reimpose those corn laws that had been so lately got rid of; the effect of which would be to raise the price of food upon the poorer classes, and probably also to raise the price of land. Those who had examined with the greatest care and attention what regulated chiefly the wages of the working classes, had come to this conclusion, that they were regulated by the proportion between the demand and the supply of labour. If that were so, he asked, as a matter of justice to those humble persons, whether they ought, by artificial means—by passing Acts for the purpose of putting a heavy rate upon the importation of foreign corn—to raise the price of food upon the poor, without also raising artificially their wages correspondingly? He asked, if they did the former, were they not bound to do the latter also? But he believed those low prices in the south of England were only an evil of a temporary nature. He thought they would shortly find them rising, if not to a high, at least to a moderately high, rate, so that they should be able to keep the land in cultivation with fair spirit and profit. He thought such a course most probable. However, he supposed the landlords would have to reduce their rents. But then, had not everything upon which they expended their income been proportionably reduced in price? Had not all articles of consumption been lowered in cost from 10 to 15 per cent?

This was a subject upon which he would not, upon which he could not, make a party speech, because he thought there was great reason for saying what had been said regarding the condition of the agricultural population in the southern counties. But there was a very important point in the speech of the hon. Member for Buckinghamshire, to which he should refer. The hon. Gentleman had said that for the last fifty years—during the period that protection had been the policy of England—the great body of the working classes had been in a good and thriving condition; that they had advanced in prosperity and comfort equally in proportion with the other classes of the community; and that in their present condition they had consequently fallen off, and were much to be deplored. Now, he thought that if they looked into the condition and state of the working classes of this country, they would find that they had not improved since the commencement of the present century proportionably with the middle and higher classes; and if the price of food were to be now raised upon them, they would be extremely injured. If hon. Gentlemen would only read the reports of the several commissioners who had been appointed to inquire into the state of the working classes from time to time, they would, he thought, agree with him. They would find that the condition of the working classes was uniformly represented as most depressed and unhappy. The handloom weavers, who and their families numbered between 500,000 and 600,000, were represented by the commissioners as having been in the same wretched condition for twenty years; and as he had before stated, from the different reports of the commissioners in 1834, the peasantry of the southern counties were represented as being in a most distressed state, owing to the bad administration of the poor-laws. Commissioners in 1843, 1844, and 1845, investigated the condition of sixty of the large towns of this country, comprising, in the aggregate, not less than 3,000,000 of people; and their report was, that the working classes were greatly depressed—that their health was injured by the neglected condition of the places they lived and worked in. The working classes had been neglected by the Legislature for a long series of years, and unjustly deprived of those improvements necessary to the preservation of their mind and body, and to which they were fairly entitled. The Committee on Education in 1838 stated, that one-eighth, at least, of the population ought to be educated; but it appeared that one in thirty—and in some cases one in thirty-five and one in thirty-eight only—were educated in our large towns. He admitted that both the physical and moral improvement of the people was now being somewhat attended to. But it was only very lately they had begun. If the recommendations of the various commissioners had been carried out—if those improvements in the condition of the working classes had been attempted before, or would be now fully brought into operation, not only would the people be improved, but a very considerable home market for the consumption of the manufactures and produce of the country would be created. But Parliament had neglected entirely for many years giving that protection to the health of the poorer classes in large towns which they so much needed. At length, indeed, they had begun to do so. But, as he had already said, they had neglected it too long, and the consequences of that neglect were manifest. Another matter to which he should briefly allude, was, the want of encouragement to invest their savings given to the working classes. The savings banks were the only means offered to them, and they were not sufficient. If they had encouragement to buy a bit of land, the stimulus to save would be far greater than at present. But the trammels of the law were so heavy, the difficulties so numerous and complicated, and the expenses so great, attendant upon the purchase of land, that they were deprived of the inducement to practise industry and frugality. When he (Mr. Slaney) attempted to bring forward measures for the improvement of the poor-laws in the southern counties, he was unable to make any impression upon the House until he said he could show that the landed gentry would save 4*s*. in the pound by carrying out the improvements he suggested. In the same manner he should now proceed to show what saving might be effected by their paying proper attention to the morals, the education, and the physical condition of the working classes. And, first, he should deal with that assertion of the hon. Member for Buckinghamshire, that the condition of the people was not deteriorated from what it had been forty or fifty years ago. In the year 1810 the committals for crime were 4,600; in 1815 they were 7,800; in 1821 they were 16,500; in

1831 they were 19,600; in 1847 they were 28,800; and in 1848 they amounted to 30,000; showing that the committals for crime had increased three times as rapidly as the increase in population, and three times as fast as the increase in property. The consumption of spirits had increased in the same proportion as had crime, which proved, as he thought, that the hon. Member for Buckinghamshire was wrong in saying that the time during which the system of protection flourished was that when the condition of the working classes was better than it was now. Let them see what was the cost to the country of this state of things. Hon. Gentlemen whose rents were diminished, whose prices were lowered, said "show us any fund from which we can get relief." The hon. Member for the West Riding had brought forward a proposition accordingly, by which 10,000,000*l.* were to be taken off the public expenditure; but the answer to that was, that it would cause the diminution of the Army and the Navy, by which the power and grandeur of the country would be so reduced that England could not maintain her position amongst the nations of the world. The hon. Member for Buckinghamshire had also submitted a Motion for removing 10,000,000*l.* or 12,000,000*l.* of local taxation which pressed very heavily. He (Mr. Slaney) agreed with him that the landed interest was unfairly pressed down by some of the burdens which he had enumerated; but instead of removing the evil from the shoulders of one to those of another portion of the community, he thought the better plan would be to remove the evil itself. He would state very briefly the cost to the country of the neglect of the poor. Firstly, there was the cost of crime; he had already shown the rapid increase in the number of committals within the last forty years. In the year 1836 a commission was issued, of which the Speaker was himself a member, to inquire into the cost of the constabulary of this country; and in the report which they presented there was a curious calculation. He should mention that there were no data from which an estimate could be accurately framed by which to gauge the cost of crime in the country. But in the report there was an estimate of the cost of criminals of both sexes for the town of Liverpool alone. And how much did hon. Gentlemen think it was for that one town? Why, 700,000*l.* a year. And when the estimate was considered so enormous as to be a gross exaggeration, proof was given that it was at least from 30,000*l.* to 40,000*l.* a year under the truth. Now, making every allowance, he found, taking it as the ground of his estimate, that the cost of criminals throughout the kingdom amounted to not less than 11,000,000*l.* sterling per annum, and that was no overstatement. There was one expense to be lessened, one vast cost to be diminished, without injury to any class, but with great benefit to all. The second item was the poor-rates, which amounted to 5,400,000*l.* Every statement agreed in referring the enormous amount of the poor-rates to two causes—great ignorance on the one hand, and great misery and destitution on the other. We were only just beginning to educate the poor, and therefore as yet we could not expect to derive much benefit from it. But for thirty years, during which our attention was being constantly directed to it, we had neglected the education of the poorer classes; and even now so little was the proper system understood, that he knew of scarcely more than one single good industrial school for them, and that one was situated at King's Sombre, in the county which the right hon. the Speaker represented. With that exception he scarcely knew of another in the kingdom. Another point to which the commissioners had attributed a great portion of the increased amount of poor-rate was the neglected state of the health of poor people, who, living in crowded alleys and courts, and inhaling constantly a foul and tainted atmosphere, lost their health, and became unable to work. The next item of expenditure on account of the poor was for alms, both for the support of the hospitals and for casual alms. From the best calculations he could make, and he had submitted all his calculations to the judgment of a gentleman who was an excellent authority, he had set down that item at 5,400,000*l.* for England and Wales: it was equal to the whole amount of the poor-rates. The next item was for police, which included the expenses of transporting prisoners convicted of crime, whether paid for by the county or from the Consolidated Fund, and various other items which he would not stop to particularise. The amount was 1,500,000*l.* The next item was the cost to whe working classes themselves of the illness arising from causes which might be entirely removed hy proper social regulations. That was a difficult sum to arrive at, yet he believed he had obtained a fair average. He set it down at 4,000,000*l.* a year. Thus they had a total of 11,000,000*l.* as the cost of crime, 5,400,000*l.* for poor-rates, 5,400,000*l.* for hospitals and other alms, 1,500,000*l.* for police and convicts, and 4,000,000*l.* expense of illness to the poor themselves—total 27,000,000*l.* for the poor of England and Wales alone, in consequence of the neglect with which their condition, physical and moral, had been treated. For Scotland and Ireland he ventured to add half that amount, which would be 13,500,000*l.* At the same time the consumption of spirits had increased from 9,000,000 gallons to 27,000,000 gallons per annum, of which he computed that at least 20,000,000 gallons were consumed by persons oppressed by misery that might be removed, and ignorance that might be prevented. These 20,000,000 gallons cost no less a sum than 10,000,000*l.* a year. So that the sum total of this class of expenditure amounted to about 51,000,000*l.* per annum, one-half of which, he firmly believed, might be effectually saved or diminished by social improvements—by improvements which would have the further effect of making the poorer classes more contented subjects and better customers to our manufacturing and agricultural producers. He trusted the House would take these subjects into its most serious consideration. He hoped the Legislature would try to reduce some portion of that enormous sum of 51,000,000*l.*, which was the annual fine for its own neglect in not having sooner provided for the social improvement and comfort of the poor. By means of industrial education brought to their doors, by protective measures for their health, by affording means for a fair investment of their savings, a spirit would be brought out of the labouring classes which, whilst conducing to their happiness and prosperity, would be the surest defence against foreign aggression, and the most perfect security of the Throne. With reference to the Motion itself, he should vote against it; because its object was first to turn out a Government in whom he had confidence, and next to raise the price of food by placing a duty upon foreign corn.

MR. G. A. HAMILTON said, in the observations which he had to make on the question before the House, he should confine himself to the case of Ireland, which, having been at all times a Ministerial difficulty, the House would agree with him when he said was not less so at the present than at any former period. And in doing so, he could assure Her Majesty's Ministers, that he had no disposition to criticise their conduct or policy, as regarded Ireland, in any captious or acrimonious spirit. No one was more sensible than he was of the extraordinary difficulties with which any Ministry must have had to contend in Ireland during the last three years, and no one was more willing to make allowance for those difficulties. At the same time, when the state of the nation was the subject of debate, involving, as it did, the whole Ministerial policy, and implying a censure upon that policy, he thought he was only discharging his duty as an Irish Member, as free and unfettered by party considerations as any Member in the House, if he expressed his sentiments freely with respect to the Ministerial policy—and, indeed, the whole policy that had been pursued towards Ireland since 1846. The right hon. Gentleman the Chancellor of the Exchequer, in his elaborate speech, had wisely avoided all reference to Ireland. The hon. and learned Member for Sheffield had stated that the present condition of Ireland was not attributable to legislation or policy, but in what he (Mr. G. A. Hamilton) considered a misplaced antithesis, had said it was attributable to Providence and improvidence. Now he was prepared to say, and he thought he should be able to show, that the legislation and whole policy towards Ireland, during the last three years, had been calculated to aggravate the evils and misfortunes of that country, and to increase rather than diminish the Irish difficulty. In the first place, he thought it necessary to remind the House that although, on the one hand, it was true that Her Majesty's Ministers had come into office under circumstances of great difficulty as regarded Ireland, in consequence of the failure of the potato crop in 1845; yet, on the other hand, they had many advantages which former Ministers had not enjoyed. There was a great subsidence in party and political differences in Ireland—which constituted one of the difficulties of former Governments; there was a great willingness among men of all parties there to lay aside their political and religious animosities, and to co-operate for the common good. Many of the most painful and embarrassing questions, as regards Ireland, had been settled or disposed of. In this country the bonds of political party had been rent asunder, and the ancient political systems in the country and party distinctions dissolved. He could speak for Ireland—he believed it was the same in England—there was a great disposition to support the noble Lord, irrespective of all former political antipathies, in any measures he might bring forward for the benefit and improvement of Ireland, and for meeting, as far as possible, the impending distress. The noble Lord, he believed, had then an opportunity, such as no other Minister had ever possessed, of securing to himself, by a wise and judicious policy, the support and confidence of all parties in Ireland. There were some other circumstances in the state of things at that time in Ireland to which he would just allude. It was stated most correctly, in the report of the Land Commission, of which he was a member, that there had been a great and rapid improvement in the condition of all classes in Ireland, with the exception of the labouring classes; and the commissioners had used the strongest language of warning with regard to the dangerous state in which that large class was left. That language had been frequently quoted in the House, and the commissioners had used it designedly, with the view of directing the immediate attention of Parliament and Government to the real weak point in the Irish social system. The various defects and evils in the condition of things in Ireland were thus pointed out, and many suggestions for improvements offered. This was the position of things in Ireland, when the free-trade system of the right hon. Baronet the Member for Tamworth was introduced in 1846. It was not his intention to enter upon that question now, but it was quite obvious that whatever might be expected to be its effects in England, where you have a mixed agricultural and manufacturing population, and where you have capital and enterprise, it was quite obvious that Ireland must bear the brunt of those measures, and that to Ireland they must prove measures of evil. The right hon. Baronet had himself admitted this. In his speech on the 27th of January, 1846, when explaining his new commercial system, he had used these words:—

> "In the case of Ireland—if there be a part of the united kingdom which is to suffer from the withdrawal of protection, I have always felt that that part is Ireland."

In those measures it was quite apparent to him (Mr. G. A. Hamilton) that the interests of Ireland were sacrificed to the manufactures of England. Possibly it might be said that the failure of the potato crop in 1845 had precipitated the abrogation of the corn laws; but the sliding-scale, he believed, would have had the effect of admitting corn, and keeping it at as low a price as it was sold for in 1847. The Duke of Wellington, as quoted by Lord George Bentinck, had stated that he saw no reason for opening the ports, inasmuch as, when any deficiency should appear, prices would rise and the ports would open themselves. At all events, there was a great difference between the temporary admission of foreign corn for the exigencies of a famine, which no one objected to, and the permanent abandonment of the protective system. This, then, was the state of things when the Ministry came into power in July, 1846: Ireland, in a very critical and perilous position—her population exclusively agricultural—in addition to the ordinary distress of her labouring class, the free-trade system affecting the value of agricultural produce—a famine impending: the noble Lord, on the other hand, with an almost uncontrolled power of applying any remedy, or using any precaution which the means of this mighty empire might afford. Let us see now how that power was applied? One would have supposed, considering the wisdom and foresight of the noble Lord, and considering the knowledge and information he had the means of acquiring of the weak points in the Irish social system, and in the Irish character, he would have applied himself immediately to those weak points. We have heard a great deal of the inertness of Irishmen, of their want of energy and self-dependence—we have heard a great deal of their being accustomed to look to Government rather than to themselves in case of difficulty, and of the abuses incident to the expenditure of public money in Ireland. One would have supposed that the first step of a wise, prudent, and powerful Government, would have been to have prepared the people of Ireland, of all classes, for the famine that was approaching—to have stimulated their energies—to have encouraged them as much as possible to look to themselves, and to have taken timely precautions against the abuses incident to the expenditure of public money, which, under the circumstances, would be unavoidable, and the noble Lord was not without warning; the Government was warned by some of the best practical authorities on Irish subjects. The Earl of Clancarty, in the House of Lords, soon after they came into office, warned them of the necessity of timely precautions; Lord Monteagle, on the 31st of July, called on Government to take immediate steps in providing for the contingencies which might arise, and moved an address to the Queen, praying that means might be taken to stimulate the industry and promote the improvement of the labouring classes. He (Mr. G. A. Hamilton) would ask the House to observe what course the Government pursued, and he invited attention to it, because he believed it was a fatal step, and had led to consequences of a most deplorable nature. There was a measure which had been introduced some time before by the right hon. Baronet the Member for Tamworth, the 9th Vic., c. 2, for the relief and employment of the poor in Ireland, which had evinced much of his usual foresight. In that Act it was provided that where employment should become necessary for the relief of the poor, baronial sessions should be held after due notice—that at those sessions presentments should be made of useful works for employment—that in order to ensure proper deliberation and the exercise of local authority, county sessions should also be held, at which the baronial presentments should be revised, and that subsequently Government should issue money for the execution of the works so approved of. This Act had worked beneficially—126,000*l.* had been advanced under it, of which more than 41,000*l.* was already repaid. In August, 1846, just before Parliament was prorogued, the Labour Rate Act, 9 and 10 Vic., c. 107, was introduced and passed by the present Government, at a time when the exigencies of Ireland had called almost every Irish Member away; and it was passed, as far as he could make out, without discussion and without observation. By this Act, all the guards and precautions which the right hon. Baronet had so wisely imposed in the Act previous were swept away. The Lord Lieutenant was empowered to call a sessions when he deemed it expedient, on a notice of only ten days; the revision and control of the county sessions was taken away; the sessions were not even permitted to adjourn for more than three days; all further power was completely taken out of the hands of the local authorities; the sessions having made a presentment, the execution and control of the works were vested entirely in the Government officers. The House was aware of the enormous abuses which had grown up under that system, and it was impossible it could be otherwise. Every hon. Member connected with Ireland would bear him out when he said, that in 99 cases out of 100 it was impossible, from the shortness of the notice and the circumstances of the case, that there could be any deliberation at those sessions. The law did not require any previous application; the sessions had no means of considering what works they should present for. They were usually surrounded by an excited mob. Somebody got up and proposed that a certain sum should be presented, without the slightest reference to the merits of the work, or even the wants of the people; and the sessions were at an end, and the execution of the works remained with the officers of the Government. He felt warranted therefore in saying that the responsibility of the labour rate rested with the Government, and not with the local authorities. This Act had been a most costly experiment to the nation, and most ruinous to Ireland. Nearly 5,000,000*l.* had been expended in this way. He could appeal to every Irish Member to say whether half the money judiciously expended would not have afforded more efficient relief. The country roads over a great part of Ireland were destroyed, the works left incomplete, the very worst habits of the people encouraged. They were made idle and indolent, and a system of abuse and demoralisation introduced, which, in his conscience he believed, had led to much of what had since taken place under the new poor-law system. Now, he charged the Government with having aggravated the evils of Ireland—with having demoralised and injured the character of the people—and with a most wasteful and injurious expenditure of the public money, by the operation of that hasty, crude, and inefficient measure, the Labour Rate Act. Well, pending those ruinous proceedings under the Labour Rate Act, there were those in Ireland who did all that was possible to introduce a better system. His hon. Friend the Member for the county of Limerick, who was not then present, and many other Gentlemen, remonstrated with Government, requiring them to sanction a system of reproductive works. It was generally thought that Lord Besborough was favourable to such a system, but that the Cabinet, infatuated by the phantom of a labour test, for a long time resisted the recommendations of the Lord Lieutenant. At length Mr. Labouchere's letter came forth. Public opinion proved at last too strong for political economy, and the Cabinet was forced to yield, thereby, as he thought, affording the strongest condemnation of the labour-rate system; but it was too late to repair the mischief—the demoralisation had proceeded too far. It was not so easy to get the people off the roads, and that demoralising system continued for nearly a year. He was now come to the Session of 1847. The cry in that Session was, a stringent poor-law for Ireland—as if a poor-law was calculated to remedy the evils of that country; and, yielding to popular impulse rather than to reason—abandoning their former deliberate opinions with regard to outdoor relief—disregarding the evidence of their own poor-law authorities—setting at nought the warnings of the great majority of Irish Members—a stringent poor-law was passed, and a system of outdoor relief introduced, which you now find it difficult to deal with. On that occasion resolutions were presented to the noble Lord at the head of the Government, prepared by Lord Monteagle, and signed, he believed, by a larger number of Irish noblemen and Members of Parliament than any document which had ever been presented to a Government. What did those resolutions state, with reference to the measure then before the House?

> "*Resolved*—That the principle of giving outdoor relief to the ablebodied labourers of Ireland, has been condemned by the various Parliamentary Committees and Commissioners, as well as by the public officers appointed to consider the subject; and that the experience of the last twelve months, by which it has been shown how relief, even though accompanied with work, has interfered with ordinary agricultural labour, and endangered the future production of food for the people, demonstrates conclusively how much more fatally a system of gratuitous outdoor relief to the ablebodied labourers will produce and perpetuate the same lamented consequences. That these resolutions are intended to apply exclusively to the permanent laws proposed to be enacted, and not to the temporary measures which the present calamity may render it expedient to enact."

Now, that was the deliberate opinion of the great body of the Irish representatives, conveyed most formally to the noble Lord. They express themselves quite willing to submit to any temporary measures to meet the temporary calamity; but they protest against outdoor relief to the ablebodied, as calculated to interfere with ordinary agricultural labour, to endanger the future production of food, and to lead to abuses of a most formidable nature. He would put it to the House, had the apprehensions of the noblemen and gentlemen who signed those resolutions been verified by the event or not? He, therefore, impugned the policy of Her Majesty's Government in having made injurious, and, as he thought, fatal changes in the permanent poor-law system at a period of excitement, contrary to the deliberate opinion of those the best informed as regards Ireland, and yielding to a kind of popular impulse or outcry in England. Now, he would put in contrast with this the conduct of the right hon. Baronet the Member for Ripon, when Secretary of State for the Home Department. In February, 1846, in the very midst of the first famine, his hon. Friend the Member for Rochdale had made a Motion for outdoor relief; and in resisting it, what was the language of the right hon. Baronet? He said—

> "We have had experience in this matter in England of the danger, even under temporary pressure, of giving outdoor relief to the ablebodied. It constituted, in fact, a payment out of the rate in aid of wages, and led to a system of relief now called in England the labour rate, which, of all the noxious offshoots of the poor-law in this country, proved to be the most dangerous and most injurious."

And he proceeded to say—

> "If I could not, on general principles, consent to the adoption of such a course, much less could I be induced, for a temporary object, and to meet what I hope is but a temporary emergency, consent to so great a change in the law."

For so far he (Mr. G. A. Hamilton) had dealt with the policy adopted towards Ireland during 1846–7, as regards the poor. Making every allowance for the difficulties of the case, he felt warranted in condemning it as rash, hasty, and unwise; involving an enormous and useless expenditure, and being contrary to the deliberate opinion of Irishmen and to their remonstrances. But, irrespective of measures for the immediate relief of the poor, there was much in the other policy of Government which he thought censurable. Yielding to the same impulse, acting through impulse rather than sound judgment, they had introduced a series of measures affecting property in Ireland, hastily and crudely prepared, the introduction of which, under all the circumstances, had aggravated the evils of Ireland. He accused them of having introduced measures, the tendency of which, from their crude and undigested nature, was to weaken and unsettle property at the very time when their object should have been to give confidence. With regard to the object of many of those measures, he had no hesitation in saying he was favourable to them. He was favourable to a Landlord and Tenant Bill—he was favourable to an Incumbered Estates Bill—and, in short, to the object that Government had in view in most of the Bills he had alluded to. But when Government come to propose legislation on matters of property, those measures ought to be well considered and matured. Nothing could be more unwise, or, as he thought, more censurable, than for a Government to introduce measures involving matters of such delicacy and difficulty as those of property, and afterwards, from their being insufficiently considered, to be obliged to alter them very materially, or to abandon them. In illustration of what he stated, he would take the principal Bills, in reference to property in Ireland, introduced during the last and the present Session. With regard to the Landlord and Tenant Bill, it had been referred to a Select Committee, who had learned something of the difficulties of the question; it was not desirable that people in Ireland should be left in doubt on that important subject; and yet, at the present moment, no one could say whether or not any further measure was in contemplation. For his own part, he would say that he thought the Bill of the present Session, and which applied to England as well as Ireland, was sufficient, under all the circumstances; but still the Bill of the last Session was kept hanging over Irish property. Then there was the Bill for converting leases of lives renewable for ever into freehold—a very useful object; but it would be curious to trace the course and history of that Bill. It was introduced last Session; it was then materially altered and abandoned at the end of the Session. During the recess he understood a new Bill had been framed, after consultation with some of the most eminent legal authorities in both countries; but when the measure of the present Session made its appearance in Parliament, it turned out to be something quite different; and in the Lords it had been materially altered. Then there was the Incumbered Estates Bill, in the object of which he fully concurred. The sale of incumbered estates in Ireland was the popular measure of the last Session, and Her Majesty's Government, yielding to the popular impulse, had introduced last Session a Bill which every one had warned them would prove ineffectual for its objects. It passed, notwithstanding, and, as was expected, proved quite abortive. Another measure was introduced this Session, and passed through the Commons notwithstanding similar warnings; and now in the Lords, Her Majesty's Government were themselves obliged to admit that it required most material alterations to make it work usefully and justly. It was easy to talk of the necessity and advantage of a Parliamentary title; but what was the value of a Parliamentary title? Why, it supposed that Parliament would not deal hastily or rashly with property. But why this continual system of tampering with the rights of property, and this uncertain and variable legislation on that subject? Then there was the Leasing of Estates Bill, which afforded, perhaps, the strongest illustration of the proposed legislation by Her Majesty's Government as regards property in Ireland. Would the House believe it, that this Bill, as introduced by Government, contained a clause that every lease shall convey the lands both at law and equity for the estate expressed to be created, and that the lessee shall not be liable to be evicted by reason of any want of title in the lessor, or by reason of any title to the lands in any other person paramount or contrary to the title of the person making such lease—but that it shall operate and take effect, as if all persons having any estate in such lands had concurred in executing it? so that if a person, having a limited interest, suppose for lives or years, was, under this Bill, to give a perpetuity in his lands to another, the fee-simple owner would be divested of his rights. It was true, he believed, that this clause had been abandoned; but he had adverted to it for the purpose of showing the hasty and crude mode in which legislation, as regards Irish property, was proposed by Her Majesty's Government, and of the tendency which their policy had to unsettle property in Ireland. The next ground upon which he felt it to be his duty to impugn the policy of Her Majesty's Government, was the manner in which they had departed from what he might call the principles of English legislation in the measures for Ireland, and their disregard for all Irish opinion in reference to those measures: the most obvious instance of this was the Rate in Aid Bill. No Minister would for a moment think of proposing a measure involving such a principle for England. The injustice of it was admitted even by the Ministers themselves—and yet they ventured to apply it to Ireland. He felt sure of this, that Ireland would never be in a proper and satisfactory condition, even socially, until the principles by which Government and Parliament were guided in legislating for England were applied equally to Ireland. Nothing would tend more to cement the Union than doing away, as far as possible, with all distinctions and differences of legislation, and applying the principle of legislation equally to both countries. He condemned the policy of Government, because, instead of lessening, it widened the distinctions, in this respect, between England and Ireland. He had already trespassed largely on the time of the House, but he had taken only a cursory view of the policy of Her Majesty's Government as regards Ireland. He had refrained altogether from adverting to the administration of the poor-law system, for which he held the Government answerable. It was a large question; he would only say now, that in the tending to centralisation, and in the disregard to all local opinion and representation, he thought that there was much room for censure. Neither had he alluded to the general conduct, and tone, and feeling of Her Majesty's Government as regards Ireland. He did not wish to say any thing offensive; but he was bound to say, that in Ireland an impression prevailed, that in the present Government, or, perhaps, he ought rather to say, in a section of the present Government, there existed a stronger anti-Irish feeling and prejudice than in any Cabinet that had existed for many years. But there was one matter of complaint which it would not be right for him to pass over, and he confessed he approached that part of the subject with pain. He had already stated, and he begged to repeat it, that he attributed no want of humanity to Her Majesty's Ministers individually, but he did attribute to them the want of sufficient energy and promptness in taking the necessary precautions to prevent the dreadful scenes of starvation which had taken place during the last few months. On this subject, he preferred using the language of the Poor Law Commissioners themselves, which, in his opinion, conveyed a very strong censure upon the Government. The commissioners, in their official communication to the Treasury, of March 7, 1849, use the following very strong language:—

> "As, however, all general expressions are more or less liable to different interpretations, the commissioners desire to place on record what they mean by extreme privations from the stoppage of relief. They think, that if the effect of such stoppage is that the destitute poor on the relief lists are without food for a single day, such persons, in their present notoriously debilitated state, in some of the western unions, must suffer extreme privations; and the commissioners must add, that the deliberately permitting them to suffer such privations involves a responsibility which the commissioners think they ought not to incur. The commissioners have only to add, that the funds at present at their disposal are inadequate for the prevention of extreme privations in the western unions; and the commissioners consider themselves absolved from any responsibility on account of deaths which may take place in consequence of those privations."

Now, he did think that in that communication a stronger censure was conveyed, with regard to the neglect of Government, than any he could himself express. But this was not all. Mr. Twisleton states, in his evidence before the Lords, on the 24th April, 1849—

> "I am anxious to make no suggestion involving the expenditure of public money which might divert attention from the comparatively trifling sum with which it is possible for this country to spare itself the deep disgrace of permitting any of our miserable fellow-subjects to die of starvation. I wish to leave distinctly on record, that, from want of sufficient food, many persons in those unions are, at the present moment, dying or wasting away; and, at the same time, it is quite possible for this country to prevent the occurrence there of any death from starvation by the advance of a few hundred thousand pounds."

He (Mr. G. A. Hamilton) was quite aware that the reason given by Government was the indisposition which Parliament had shown—or rather, which some Members of that House had shown—to make further advances to Ireland; and the name of his hon. Friend the Member for Northamptonshire was particularly referred to. But he thought the objection made was, that, though money was called for, no steps were taken to benefit the people permanently and remove the cause of distress. At all events, he did not think the expression of opinion by a few Members in that House, was any justification or reason why Government should shrink from taking the necessary means to prevent starvation. Since then, they had carried the Rate in Aid Bill; and yet, what was the condition of parts of Ireland at the present moment? He would not weary the House, but would content himself with reading an extract from Mr. S. G. Osborne's letter in the *Times*, dated on the 5th July. No one could deny that Mr.

Osborne was a most unquestionable witness on this subject; and what does he state?—

> "The condition of the country is this—the masses who should be engaged in producing food are now scarcely sustained alive in its consumption, and this at the expense of those whose sole means were dependent upon the independence of those very masses which they have now to feed in their helplessness. The poor-rates, from which the famine-stricken paupers have now to be fed, are drawn from property itself only of value when labouring men are sources of profit on it. Thousands of acres lie untilled, and yet more than 100,000 men might be found ready and capable of work, who are now undergoing a very expensive but rapid training for the grave; an equal number are fed and lodged, to do work not wanted, at an expense which could have supplied food and fuel, for want of which thousands must yet perish."

With such authorities as the Poor Law Commissioners, and Mr. Twisleton, and Mr. Godolphin Osborne, he (Mr. G. A. Hamilton) thought he had made out a case of mismanagement as regards the poor in Ireland against Her Majesty's Government, which fully bore out the statement he had made—namely, that their policy and conduct had aggravated the calamities of Ireland. As a consequence of all this, Ireland had been reduced to a condition which the hon. Gentleman the Member for Buckinghamshire truly described when he called it a state of social decomposition. All interests in that country were completely paralysed; and he believed that never in the records of any civilised State were such scenes of misery and such dreadful calamities pourtrayed as there were to be found in the records of that House as having existed during the last two years in the west and south of Ireland. In both countries, indeed, the condition of things is sufficiently perplexing. Here in England you are beginning to feel the effects of measures conceded, as he thought, unwisely to popular feeling. The competition of the untaxed produce of foreign countries was weighing down the industry and disheartening the spirit of Englishmen. But here you have capital, and the energy and recuperative spirit which so eminently distinguishes Englishmen; and, above all, here you have a public opinion, and fixed principles of legislation, which no Minister can long violate with impunity. Ireland was laid prostrate by the hand of the Almighty. Generously, but not wisely, you have expended your treasure in administering to her necessities; but no efficient effort has yet been made to raise her from her prostrate position. If with the one hand you have been administering restoratives, with the other you have been exhausting her means of recovery. And, if, in the inscrutable decrees of Providence, Ireland should be visited with another blight of the staple food of her people, you will feel the consequences of your want of foresight at a time when no human means will be availing to repair them. For these reasons he felt himself constrained—he acknowledged reluctantly—to vote for the Motion of his hon. Friend the Member for Buckinghamshire, because he regarded it in the light of a censure upon Government, and because he was unable to satisfy himself that their policy, in reference to Ireland, had not been an aggravation of the calamities which that unfortunate country must under any circumstances have experienced.

Mr. HUME, before addressing himself to the subject of the resolution, would say a word as to what had fallen from the hon. Gentleman who had just sat down. That hon. Gentleman had charged against the Government that their neglect and misrule had produced most of the calamities under which Ireland laboured. He could not join in blaming them on that ground, however much he might upon others. He had never sat in any Parliament in which so much time had been devoted to Irish subjects. If he were rightly to designate the Session, he might say it had been one adjourned debate on Irish questions. He believed all the Members of that House and of the Government had been most anxious to devise means by which the miseries of that country might be alleviated. He knew of no instance wherein a proposition, having for its object the welfare of that country, had not been met with the utmost attention by the House. On the score, then, of neglect, he could not admit that any blame attached; and when the hon. Gentleman said that he had made out a case against the Government, he (Mr. Hume) was at a loss to discover in what that case consisted. He agreed with the hon. Gentleman in one point—that the liberality of that House, and its desire to administer to the state of destitution in which Ireland was placed, though well meant, had not produced the benefit which had been hoped from it. But when the hon. Gentleman said that he attributed to the Government the mismanagement and excesses of the local authorities, he must altogether differ from him. If the Government had failed in doing all that a Government might have done, he believed that the local authorities had been much more guilty. Had these local authorities met the wishes of, and joined cordially and heartily with, Parliament, the means being furnished liberally by that House, he believed things would have taken a very different course. He, therefore, could not believe that Her Majesty's Government were open to the censure which the hon. Gentleman would cast upon them. He thought that such measures as the labour rate were fit and proper means to adopt for the social redemption of the people of Ireland. It was true that great differences of opinion might exist with reference to the Irish Poor Law. Although a sincere supporter of that law at the time it was enacted, he now entertained some doubts as to how far it might or might not have been beneficial to Ireland. But the Government were not in any respect to blame on that head. At the time it was passed, it was the universal opinion that Ireland should maintain its own poor, and therefore the hon. Gentleman was rather too hard in attributing all the blame to the Government. With regard to the Incumbered Estates Bill, he was not aware of any measure more calculated than that for permanently raising the industry and giving employment to the people of Ireland. It would give a stimulus to labour. Had it been passed in 1847 it would have effected an immense amount of good; but, late as it was brought forward, he had given it an honest and conscientious vote, believing that it would greatly tend to advance the interests of the sister country. If any blame attached to the Government, it was for not having passed the measure at an earlier period. He also considered that the Rate in Aid Bill would act as a means for the promotion of industry. The hon. Gentleman was not fortified by facts in his complaints against the Government on this and many other heads which might be mentioned. Blame had been attached to them for not having dealt with Ireland as they would with England. But it should be remembered that a doctor dealt with a patient according to the constitution of the sufferer. Was Ireland in a condition to bear the same treatment as England? Was the population in the same situation, and was the Government to be censured for having brought forward measures which might answer in a country like England, and could not answer in the disorganised and distressed districts of the west of Ireland? On these grounds he humbly submitted that the hon. Gentleman had not made out any case whatever against Her Majesty's Ministers, and that the accusations he had advanced were susceptible of a most satisfactory reply. Having given notice of his intention to move an Amendment to the Motion of the hon. Member for Buckinghamshire, he (Mr. Hume) could assure the House that he had been most anxious to submit that Amendment, entertaining as he did a very different belief from the hon. Members on the protectionist benches as to the causes of the distress now prevailing in England. But, from the tenor of the speech of the hon. Member for Buckinghamshire, he had been induced to abandon his original intention. The hon. Member had not pointed out any means for effecting his object; he had neither told the House who were to take the place of Her Majesty's present Ministers, nor the nature of the improvements which were to be made. Now, a very different course was pursued in 1819. Several hon. Gentlemen would recollect that when Mr. Tierney submitted a Motion on the state of the nation in that year, which was intended to displace the Government, the Opposition party of that day were prepared with the proper means for carrying out their views, for they said that they were prepared with the men to carry on the Government, and also with measures different from those which had been brought forward. That was a sensible mode of removing an Administration. But the hon. Member for Buckinghamshire had made no such statement to the House. Still, fearing that if he (Mr. Hume) interposed, he should prevent that free and proper discussion which was at all times of the utmost importance where truth and facts were concerned, under these circumstances he did not think himself at liberty to interfere for fear of doing mischief. He was of opinion that the details of the speech of the right hon. Gentleman the Chancellor of the Exchequer afforded a most complete answer to the accusations of the hon. Member for Buckinghamshire. That speech contained a most satisfactory reply to the assertion that the free-trade measures were the cause of the distress. The hon. Member for Buckinghamshire had alluded to the late Lord George Bentinck, and mentioned his opinions; but he forgot altogether the statement of that noble Lord, when he pointed out, with great ability, the distress existing in Ireland, and the causes of that distress, and when he wanted 18,000,000*l.* to relieve it. The noble Lord then told the House that the principal crop of the people of Ireland was the potato, and that the loss occasioned by the failure of that crop had amounted in one year to between 15,000,000*l.* and 17,000,000*l.* The hon. Member for Buckinghamshire had taken no notice whatever of that important fact; but he went on to attribute the distress to the repeal of the corn laws and the changes made in our commercial tariff. But in common fairness he ought to have stated what Lord George Bentinck had proved, that the principal cause of the Irish distress was the failure of the potato crop, because that was a reason which induced the noble Lord, with a view to alleviate that distress, to ask for 18,000,000*l.* in order to promote railways throughout the country. He (Mr. Hume) believed the failure of the potato to be the principal cause of the aggravated distress in Ireland. He had never known a year when there had not been distress in that country. Every now and then, when provisions were high, distress, disease, and other calamities invariably followed; but the failure of the potato crop had of late years principally aggravated the evil. He was anxious now to state to the House what he believed to be the causes of the present distress in the united kingdom; and he was willing to take the statement made by the hon. Member for Buckinghamshire as to the condition of the mass of the population in England as a correct statement. He admitted frankly, that the present condition of this country was sufficient to arrest the attention of every thinking man. Variations would no doubt occur in every country, and he, for one, would not consider a rise or fall of 10 or 12 per cent in our exports or imports as a change of any serious moment. He was prepared to admit, however, that the question involved in the changes which had taken place, deserved the most serious attention of Her Majesty's Government. It had been said in reply to the hon. Member for Buckinghamshire, that some improvement had taken place in parts of the country: still the fact appeared to be, that the increase of able-bodied paupers between the years 1846 and 1848 had been no less than 74 per cent, and that, of the whole population, the increase had been from 40 to 41 per cent. The right hon. Gentleman the Chancellor of the Exchequer had stated in reply to this, that in individual towns there had been some improvement; but that wasno satisfactory answer to the allegation that great distress had taken place in different districts. It might be true, and he believed it was, that an improvement of trade had caused a decrease of distress in the manufacturing towns; but if the statistics of the hon. Member for Buckinghamshire were correct, that the increase of distress in the agricultural districts was so great, then it became a matter of serious importance, deserving of calm and dispassionate inquiry. The question naturally arose, what was the cause of this increase? He was not one of those who believed that what was called free trade had been the cause. Hon. Members were very much in the habit of running away with the idea that we had free trade. We had no such thing. We had free trade in corn, but we had not free trade in a variety of other articles, such as butter, cheese, eggs, and rice. He wished to have a real free trade. He was anxious that all duties on raw materials, on all articles of food, on everything that entered into the consumption of the masses of the people, should be removed. Hon. Gentlemen who were so desirous of attributing the distress to the repeal of the corn laws, seemed to keep out of sight this important fact, that when distress came upon us in former days, the first act of the House was to suspend the corn laws and let in the food. By the admission of food, prices became reduced, and the lower classes were enabled to exist. He believed that free trade was not the cause of the present distress, but that, on the contrary, unless free trade had been effected, we should now be in a state of still greater distress. Had we coupled the repeal of the corn laws with the reduction of taxes, we should have been prepared for storms and difficulties. He, therefore, entirely differed from the hon. Member for Buckinghamshire as to the causes of the distress, but he agreed with him in believing that a large amount of pauperism existed in the country. He attributed the distress to excessive and unequal taxation. This was the source of the evil, and until it was removed all the efforts of the Government would be merely palliatives. At present we had our war establishments. We had all the expenses of war without the advantages of peace. The enormous establishments we kept up caused much of the existing evil. In the year 1792 we raised 16,000,000*l.*, and spent 15,000,000*l.*; but now we raised between 50,000,000*l.* and 60,000,000*l.* and spent it all. It was impossible that such a sum could be raised from the industry of the country, competing as that industry now was with the whole world. Our prices were reduced, and the profits of the manufacturers were lowered; and although the cost of materials was lessened, still it was impossible that, in the face of immense competition, and depending as we were upon foreign markets, we could continue to meet the heavy taxation imposed upon us. Landlords could not expect to obtain the high rents they did formerly, or to be enabled to incur the heavy expense of bringing the land into proper cultivation. According to the budget of the right hon. Gentleman the Chancellor of the Exchequer, the expected revenue would amount to 52,262,000*l.* This, added to the expense of collecting. 4,154,000*l.*, would make a total raised from taxation of the country, of not less than 56,500,000*l.* How was this taxation to be met? The only mode by which relief could be obtained was by reducing our establishments, and leaving more money in the pockets of every class to employ labour. The Government, in his opinion, were not aware of the condition of the middle classes at the present moment. The profits of that class were extremely limited, and the means by which they could employ labour were consequently much restricted. A large portion of them, who were formerly in comfort, were now pressed down with public taxes, parochial taxes, church rates, tithes, and other imposts. These were some of the causes of the present distress. The drain of men's purses, and the inequality in the amount of taxation, were two great evils. The following table, drawn up on the 5th of January, 1849, exhibited at a glance how the rich were let off, and how the inequality of taxation bore upon the industrious classes :—

Customs	£22,785,941
Excise	15,556,216
Stamps	7,016,525
Taxes and Land and assessed...	4,513,452
Income Tax	5,591,759
Post Office	2,192,478
Crown Lands	362,501
Miscellaneous	67,398
Total	£58,086,270

He had been told that capital had quadrupled in this country of late years. If so, he called for a direct tax on realised capital, and for a repeal of the customs, excise, and stamp duties. He contended that the taxation of the country bore most unequally on the lower and middle classes, and that was the ground on which he demanded a diminution of our national expenses, and a return to the expenditure of 1835. In 1828 the whole amount of our expenditure was 49,336,000*l.*; in 1844 it was 44,422,000*l.*; and last year it was 54,185,000*l.* According to the Finance Committee of 1828, the revenue in the eleven years, from 1817 to 1827 inclusive, amounted to 581,991,917*l.*, and the expenditure to 559,892,760*l.*, giving on the average an annual revenue of 52,908,356*l.*, and an annual expenditure of 50,890,250*l.*, or an excess of income over expenditure of 22,099,157*l.* on the eleven years, or more than 2,000,000*l.* annually; and yet this was when we had scarcely recovered from the alarm and the consequences of the French revolution. Going farther back, they would find Lord Castlereagh saying that our expenditure ought not to cost more than 13,000,000*l.* On the average of four years, up to 1842, the total expenditure was only 15,000,000*l.*, 9,000,000*l.* of which went to pay the interest of the national debt. Our taxation was then 16,000,000*l.*, which left 1,000,000*l.* towards the Sinking Fund. But taking from 1833 to 1837, and from 1843 to 1847, the House would find that the aggregate amount of expenditure for the first period of five years was 261,789,000*l.*, and for the last five years 278,123,000*l.*, showing an excess of 16,334,000*l.* over the first period. Public appointments, civil and military, were the cause of this increase; and until they reduced their establishments, and thereby lessened their expenditure, they could not hope for relief. He held in his hand a paper, purporting to be an account of the excise net receipts for 1839 to 1848, in which there appeared a singular uniformity of account. In 1839 the receipts were 15,474,000*l.*, and so they went on, without one year differing materially from another up to last year, when the account was 15,544,000*l.* Now, there was not one of the articles contained in that paper on which he would not reduce the duties, except spirits. The hon. Member for Shrewsbury had spoken of the necessity of improving the health of the people by giving them better dwellings. He would assist him to do so by taking the duty off bricks. He would also remove duty from paper and soap; and although it might not be a popular measure, he would remove it also from carriages and servants; for he knew no duty which acted more directly against the employment of the people, while it interfered with the free enjoyment of those who possessed the means of employing servants. It appeared to be a tax upon the rich, but it was in reality a tax upon the poor. So with regard to some of the stamp duties. The man who wanted to transfer 100*l.* in the funds, would have to pay as much duty for a power of attorney, as the man who had 1,000*l.* to transfer. All these taxes were unequal in their nature and operation, and totally opposed to the plan which he recommended for relieving the poor of the country. The man who gave a receipt for 5*l.* paid 3*d.*, which was about forty times more in proportion than the man paid who gave a stamp receipt for 1,000*l.* Then the legacy duty was an unequal duty. The duty on insurances was also unequal. On one class of property the insurance was taken off, while on another it was left on. He knew not why all interests should not be considered and dealt with in a fair and equitable spirit. If hon. Gentlemen opposite were really anxious to improve their own conditions as agriculturists, and that of the agricultural population, they must direct their attention to the one great means which he had pointed out of reducing the national expenditure, and then repealing those taxes which pressed so heavily and so unequally upon the labouring classes. It was in that view that he had desired to place upon record his opinion, that whilst the repeal of some of the restrictions had done good, it had not removed all the difficulty. The poorer the people, the more important was it that our laws should be equal. Make them equal—give fair play to industry—and they would be more likely to afford relief to the distressed portion of the country, than by pursuing shadows and Will o' the wisps, from which no useful result could spring.

The EARL of MARCH said, he proposed to confine his observations solely to that portion of the subject which related to the agricultural interest. On viewing the Amendment placed on the Paper by the hon. Gentleman the Member for Montrose, he had at first sight felt inclined to dissent altogether from that portion of it which referred to that interest; but he confessed that he had not been prepared to hear from the framer of that Amendment a speech as full of protectionist sentiments as any to which it had ever been his good fortune to listen at any meeting of his own party he had ever attended. The hon. Gentleman had commenced his observations by expressing his concurrence in a great part of the speech of his hon. Friend the Member for Buckinghamshire, relating to the distress which prevailed among the working classes of this country; and upon that subject the hon. Gentleman had propounded a question, to which in his (the Earl of March's) opinion he had given a very unfit answer. The hon. Gentleman had asked, where would they have been during that distress if they had not passed the commercial measures introduced by the right hon. Baronet the Member for Tamworth; and the hon. Gentleman had answered that question in a manner conformable to his own well-known views of commercial policy. But he (the Earl of March) should answer, on the contrary, that they would be in at least as good a position as that in which they were placed at present without any remission of the 4*s.* duty on corn; and he had no hesitation in stating, that if they adhered to the sliding-scale, it would have adjusted itself in quite as satisfactory a manner as the hon. Gentleman himself could have desired. The hon. Gentleman had also said that the taxation of this country pressed most unequally and severely on the lower classes of this country; but then he (the Earl of March) would ask the hon. Gentleman why it was, that while he entertained that opinion, he had not voted for the Motion of his hon. Friend the Member for Buckinghamshire at the commencement of the Session, the object of that Motion having been that the House should consider the whole system of taxation in this country, with a view to ascertain where it pressed unequally, and, if possible, to alleviate the distress under which a large portion of the people suffered? But he should then proceed to notice some parts of the speech made by the right hon. Gentleman the Chancellor of the Exchequer on the first night of the debate. He confessed that he was at a loss to understand how the right hon. Gentleman could have come to some of the conclusions at which he had arrived; and although he had listened with the greatest attention to his speech, and had been much struck by the admirable manner in which he had handled the great variety of details into which he had entered, he (the Earl of

March) certainly wished that the right hon. Gentleman had followed the example set him by his hon. Friend the Member for Buckinghamshire, and had confined himself to quotations from documents which had been laid before the House, and which could be sifted for the purpose of inquiring whether or not they contained any error. But, instead of that, the right hon. Gentleman had read to them a great variety of letters from private individuals; and he should observe, that in one instance the right hon. Gentleman had been candid enough to let them see pretty clearly what was the animus of the writer, who had praised the liberal and enlightened policy of Her Majesty's Government. Why, he (the Earl of March) had no doubt but he could without the slightest difficulty have obtained communications from many most respectable and well-informed gentlemen in the county of Sussex, with which he was more particularly connected, stating that in the opinion of the writers the greatest distress prevailed throughout the country, and that that distress was mainly attributable to our recent commercial policy. He had no doubt but that some of his correspondents who were strongly in favour of protection would declare that even the old prices of agricultural produce were insufficient to remunerate the English farmer. He repeated, therefore, that the right hon. Gentleman would have done better if he had confined himself to documents of a public and authentic character. The right hon. Gentleman had been somewhat unfortunate in one statement he had made. He had said that the average price of wheat, during five months of a former year, had been only 45*s*. a quarter under the protective system. But the right hon. Gentleman had entirely forgotten to mention the not unimportant fact that that had taken place at a time when there had been one of the most flourishing harvests ever known in this country. The right hon. Gentleman had also omitted to state that the agricultural body did not complain at present that the prices of their produce were low, but that they were low after a deficient harvest, and that under those circumstances they were naturally driven to ask what were the prices which they would get after an abundant one? There was another point on which the right hon. Gentleman had laid much stress, and which he (the Earl of March) felt bound to notice. The right hon. Gentleman had referred to the price of wheat in Guildford, which amounted to 64*s*. or 65*s*. a quarter. But it should be borne in mind that the best wheat sold at that market was of a peculiarly fine quality, and was, in fact, principally bought by the pastrycooks of London. Now, it was clear that the price obtained for grain of that description was in no way a fair test of the general price throughout the country; so that that part of the argument of the right hon. Gentleman necessarily went for nothing. Then the hon. Gentleman had stated in the concluding part of his speech that although distress might exist in some districts, yet where labourers were receiving remunerative wages, they were still as well off as they had ever been. Now, that was a proposition which no one in the House or out of it could deny. No doubt, the condition of the labouring classes had not deteriorated in those cases in which their wages and their employment had not been diminished. But that which the farmers of this country said was, that in their present depressed condition they could not give the same amount of employment which they had given heretofore; and he could declare that one of the consequences of that unhappy state of things was, that during the past winter there had been more ablebodied paupers, and the workhouses had been fuller in this part of the country, than at any former period. A fact had lately taken place in the county he had the honour to represent, which would show the great depreciation that had occurred there in the value of agricultural produce. Under an execution for rent, a sale had taken place on a farm which had been occupied for some years by a most respectable person. The farm was let for 21*s*. an acre, which was considered a fair rent, and the growing crops were in a very favourable condition; and yet 127 acres of those growing crops had been sold for 247*l*. 10*s*., the purchaser not being liable to any charges. That was one instance of the recent depreciation of agricultural produce. He did not wish to trespass at any length on the patience of the House, but he wished to state that he was perfectly aware of the great distress which at present prevailed, and the great alarm which was at present felt among the agriculturists of that part of the country which he represented. They believed that if the system of legislation on which Parliament had recently embarked were persevered in, the country would soon be involved in irretrievable ruin. They also believed, and he entirely agreed with them upon the point, that they were at present subject to a most unjust and unequal system of competition; that they had to endure burdens which must prove overwhelming, and that they would in consequence be driven to do that which they of all things most disliked—namely, to throw hundreds out of employment who were willing and able to work for their maintenance.

Sir R. PEEL said:* Sir, I do not propose to enter at any length, if indeed at all, into those considerations of a purely political character, which are naturally raised by the question brought forward by the hon. Member for Buckinghamshire. It would be totally out of my power to do justice to those considerations during the period for which I could fairly expect that the House would lend me its attention. To discuss the question of Ireland—the colonial policy—the foreign policy of this country in one speech, must, if any attempt were made to do justice to those various topics, absorb so much of the time of the House, that little would be left for the discussion of that which I consider to be the main point at issue this night, namely, Shall we displace the Government, for the purpose of subverting the commercial policy on which it has acted?

Since the accession of the present Ministry to power, I have felt it to be my duty to give to the great majority of the measures they have introduced a general support. I have thought it but just to make allowance for the great difficulties with which they have had to contend — commercial discredit and distress—famine in Ireland—the greatest moral and social revolution, by which the internal tranquillity of nations or the peace of Europe was ever disturbed. I have thought that it was for the public interest that the energy and power of the Executive Government of this country during such a crisis of combined dangers, should not be impaired by factious or captious opposition. At the same time, Sir, I wish it to be distinctly understood, that all I mean to imply by the vote I shall give to-night is this—that I cordially approve of the general principles of commercial policy by which Her Majesty's Government have been guided, and that I will not consent to a Motion, the main object of which avowedly is, to censure them for their adherence to those principles, and to substitute in the place of that policy some other economic system.

The course I propose to pursue, with the permission of the House, is this — to examine the grounds upon which the hon. Member for Buckinghamshire has impeached the commercial policy which has been acted upon for some years. I shall then proceed to consider whether or no that new principle of economic policy which he proposes to substitute in its place, has any foundation in reason or experience, and whether the adoption of it would contribute to the welfare and prosperity of this country.

In examining the arguments of the hon. Member for Buckinghamshire I shall take that course which appears to me by far the most likely to conduce to the ascertaining of truth—namely, to state each argument separately, as nearly as I can in the words in which it was conveyed, and then to give the answer to such argument. And I cannot help thinking that if that were the course generally pursued in this House in the conduct of discussions like these, substituting the plain simple test of argument for vague declamation, it would conduce to the full elucidation of the matters with which we have to deal.

Sir, I understood the hon. Member for Buckinghamshire to impeach the commercial policy which has been acted upon for some time past, and to attribute to that policy a great part of the suffering under which it is admitted that some interests in this country, or in portions of this country, are now labouring. But I was struck, I confess, by an admission of the hon. Gentleman at the commencement of his speech. I willingly pay to him the acknowledgments which are justly due for that admission. He was describing the state of this country when the noble Lord succeeded to power, and he made this admission with respect to its condition, and the moral influence of that Government, which was in power at the commencement of the year 1846. He said, that Europe generally was enjoying profound tranquillity; that there was great confidence reposed by foreign Powers in Her Majesty's Ministers; that if misunderstandings arose, there was a ready reference to the authority of the British Government, and a willing acquiescence in the advice which it offered for the adjustment of those misunderstandings. The hon. Gentleman said, moreover, that Ireland was in a state of comparative prosperity, and that the agricultural interest was contented, and looking forward with hope to the future. He said, also, that the greatest export trade that this country had ever carried on was carried on in the course of the year 1845, and that Her Majesty's present Government, on succeeding to power, found a surplus of some 2,000,000*l.* or 3,000,000*l.* in the Exchequer. Well, if that was the state of this country; if all interests were so prosperous; but, above all, if such was the condition of our finances, and of our export trade, I ask this question —What had been the principles of financial and commercial policy adopted for some years previously to that time?

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* From a Speech published by Bain.

I find that, in the year 1841, there was a deficit of income of about 2,500,000*l.* I find that in the preceding year, 1840, you had adopted the system of imposing additional duties upon imports; you had imposed five per cent in addition to all the then existing duties, upon the import of raw material, upon articles of food, upon everything that constituted the import trade of the country. That addition, so placed upon imports, had produced no corresponding augmentation of the revenue, but directly the reverse. In the case of additions to the assessed taxes—of additions to direct taxation—the anticipations of the Chancellor of the Exchequer had been realised; while in the instance of additions to Customs duties upon imports, his anticipations had been wholly disappointed. The 5 per cent of nominal addition to import duties, had produced no 5 per cent of additional revenue. In 1842, you adopted a different principle. You imposed an income tax, and you reduced taxation upon all the great articles of subsistence. You reduced taxation upon raw materials of your manufactures, and upon the food of the people. In 1842, you found prohibition upon the import of every animal which constitutes food. You found prohibition upon meat, high protection upon corn, heavy duties upon many articles constituting the raw material on which labour could be employed. You adopted a different system. You imposed an income tax, by which 5,000,000*l.* was raised. You removed the prohibitions upon the import of animals and meat—you reduced the duties upon every article which enters into the subsistence of the people—you greatly reduced the protective duties upon corn—you reduced the duties upon 555 articles of import from abroad. The result was that condition of public affairs which the hon. Gentleman has represented to have been the happy lot of this country in 1846. Observe, agriculturists looking forward with hope, Ireland in a state of comparative prosperity, the greatest export trade that was ever known; all this was, I will not say the result of, but at least coincident with, the reformation of your financial and commercial system.

But, then, says the hon. Gentleman—

> "In 1846, you adopted a totally new principle, and from the introduction of that new principle have resulted the evil consequences which we now deplore."

Now, my answer upon that point is this—In 1846, we adopted no new commercial principle; we merely carried further the commercial principle which had been adopted and acted upon in 1842, and in successive years. [*Marks of dissent.*] It is more respectful to the hon. Member for Buckinghamshire to submit his arguments and doctrines to the test of reason, than to adopt any other course; and I am attempting to conduct the argument precisely in the manner in which I should conduct a purely scientific controversy into which party feeling did not enter. But I adhere to my statement, that in 1846 no new principle was introduced; and I give the hon. Gentleman the fullest opportunity of aaswering my arguments. What new principle was introduced in 1846 that had not been sanctioned during the period between the commencement of 1842 and the close of 1845? Before the end of 1845, the duties upon cotton and upon sheep's wool had been repealed. In 1842, the reduction of duties upon articles of import, amounted to 1,092,000*l.*; in 1843, to 411,000*l.*; in 1844, to 458,000*l.*; and in 1845, to 4,511,000*l.*; the total amount of this reduction of taxation to the end of 1845 being 6,582,000*l.*, without any equivalent concessions by foreign countries. The articles upon which that reduction mainly took place, were either raw materials, articles of food, or articles of general consumption, like coffee and sugar. What new principle of commercial legislation, then, was introduced in 1846? The amount of duties remitted in 1846, was 1,151,000*l.*, the amount remitted in the four preceding years having been 6,582,000*l.* The articles which in 1846 were selected for reduced taxation were these—tallow, timber (being an additional reduction thereon), brandy, soap, linseed cake, rape cake, and many other articles, the introduction of which is important to the agricultural interest. There was, indeed, provision made for the ultimate repeal of the corn law; but that is the single instance in respect to which you can justly contend that any principle of legislation was adopted in 1846 which had not previously been acted upon in 1842, 1843, 1844, and 1845. And now observe, with respect to the repeal of the corn law: that repeal, so far as the Act of 1846 was concerned, did not take place until the 1st of February, 1849. It was from sheer necessity that in 1847 you suspended the duties. The hon. Member for Dorsetshire seconded the Motion for their suspension. But during nearly the whole of 1848, you levied a duty of 8*s*. or 10*s*. on foreign corn, and, consequently, if there have ensued any evil effects from the repeal of the corn law, you cannot date them from an earlier period than the 1st of February, 1849. Protection, excepting for the interval for which you voluntarily abandoned it from the fear of scarcity, lasted up to the 1st of February, 1849.

Still there are many who maintain that it is the new tariff which has caused the commercial depression, and that the principles of free trade, adopted in 1846 and the preceding years, have created or aggravated the distress under which the country is suffering. Now, it is my firm conviction, that the principles embodied in that tariff, have not caused any one of the evils which have been endured; but that, on the contrary, the principles involved in that tariff have greatly mitigated those evils. Let us analyse this tariff. I challenge you to show me in what particular it is possible that free trade can have caused the distress of the country. Let us compare the official value of the imports into Great Britain in 1848, with the same value in 1846. In the latter year, the official value of the imports was 73,000,000*l*.; the official value in 1848 was 89,000,000*l*. Some contended that it is the amount of imports, there being, according to them, no corresponding amount of exports, which has caused the depression of industry in this country. Let us, then, analyse these imports, and consider the several articles of import of which this tariff consists. I divide it into three great branches. First, I take the articles of consumption—the food, the luxuries—the articles which the people eat and drink; I next take the raw materials of manufacture; and, lastly, the foreign manufactured goods. It is contended, that the amount of these manufactured goods, which under the operation of free trade have been imported into this country, has interfered with domestic industry, and caused many laborious and industrious persons to lose their means of employment. Let us divide the imports of 1848, amounting in value to 89,000,000*l*., into the three heads I have referred to—namely, articles of consumption, raw materials, and manufactured goods. The amount in official value of the articles of consumption imported, was not less than 32,500,000*l*. Will any man tell me that he grudges the import of one single pound weight of those articles of consumption? What has become of them? They have been imported, they have been paid for, and they have been eaten. Can you deny any one of these three propositions, that the articles in question have been imported, paid for, and consumed? And how paid for? I suppose I shall be told, they have been paid for by the transmission of gold. It had been argued that if you permit these free imports, the foreigner will not take our manufactured goods in return, but will insist on payment in gold; that consequently the currency will be disturbed, and the reserve in the Bank will be exhausted. There will be imports, it is true; but, as a necessary consequence of extravagant imports, a constant exportation of gold to pay for them, and a corresponding appreciation of the currency. If this be so, how happens it that, concurrently with the great increase of imports, there has been, at the same time, no diminution of gold? nay, that there has been, in consequence of the state of these exchanges, an accumulation, an increase of gold? In the autumn of 1847, the Bank had a reserve of not less than ten millions of gold. The official value of your imports increased from seventy-eight millions in 1846, to eighty-nine millions in 1848 and yet, the stock of gold in the Bank has not been diminished; on the contrary, it has increased from ten to fifteen millions. So much for the threatened exhaustion of your gold.

But what has become of the imported articles of consumption? Who have consumed this 32,500,000*l*. worth of eatable and drinkable materials? Has any one had too much? Has there been any case of surfeit? Is the cholera attributable to that consumption, or has any other disease or suffering been entailed in consequence of this import of food? I believe not; but, on the contrary, that the whole of these imports and the consumption of them have contributed to the material comfort of the people, and that it would have been a public misfortune if this amount of 32,000,000*l.* of imports had been by any process reduced to 22,000,000*l.* or 25,000,000*l.* or any smaller sum. I believe that the import of these commodities, being articles of subsistence, has not only contributed directly to the material comfort of those who consumed them, but has also encouraged their labour, because they have been paid for by the proceeds of labour.

So much for the articles of consumption; I come now to the articles of raw material. The leading principle of every tariff with which I was connected, was the diminution of the duties on raw materials. Is it possible to contend that you have diminished the encouragement to domestic industry by having reduced the cost of the articles used in our manufactures? Is it possible to contend that the reduction of the duty on articles used in dyeing, on furniture woods, on madder, indigo, and on all those raw materials required for our manufactures, can have any other effect than that of diminishing the cost of the manufactured article here, and of enabling the manufactured goods of this country to compete with greater advantage with articles of foreign manufacture? Is it possible to contend that such a measure has interfered injuriously with the domestic industry of this country?

I have now spoken of the articles of food imported, and of the articles of raw material. Let us now take the third branch into which I divided the table of imports—the foreign goods partly or wholly manufactured. It is said that it is the import of these foreign manufactured goods which has caused the distress of the country. Now, how stands the case? Here is this great commercial country interfering with the domestic industry of every country on the face of the globe, by the exports of its manufactures. If this be interference—if it be not a positive addition to the comfort and happiness of those communities with which we deal, where is the delinquent so enormous as Great Britain? In 1848, you exported in official value about 133,000,000*l.* the produce of your industry: and you imported foreign manufactured goods to the amount in declared value of about 4,722,000*l.* worth. Is such an amount sufficient to account for the distress? Your imports, in 1848, of raw materials to be fabricated by your industry amounted in value to 48,400,000*l.* and the manufactured goods imported amounted to 4,700,000*l.* But is that 4,700,000*l.* the amount which was taken for home consumption, and which could by any possibility interfere with your domestic industry? No. Deduct from that amount all that you re-exported. Of cotton goods from India and Europe you imported in value 512,000*l.*; but you re-exported a very considerable portion of that quantity so imported — no less than 275,000*l.* Therefore, deduct from the 512,000*l.* worth imported, the 275,000*l.* worth re-exported. Could there be a greater proof of the benefit of free trade than this, that it enables this country to become the entrepôt for the goods of other nations, inviting those goods to these shores, giving to them the advantage of our warehousing system, causing them to be deposited here for re-exportation? Thus was employment found for British shipping and British capital, in conducting a foreign carrying trade, without the possibility of interfering in any shape with your domestic industry. You refer to the great import of foreign silks. That import has taken place, not so much on account of the natural operations of trade, as on account of the troubled state of France, and the desire which the French manufacturer had of realising the value of whatever could be sold. But of the foreign silk goods imported, you exported to the value of 870,000*l.*; and when you estimate the extent to which the domestic manufacture was interfered with by the import, then allowance must be made for the whole amount re-exported.

But another and still further deduction you must make. You must deduct from the amount of the legitimate imports all that would have been imported by smuggling, if you had chosen to retain high duties of 40 or 50 per cent. No doubt in such case the apparent amount of imports might have been greatly reduced, and the manufacturer in this country might have consoled himself with the thought that at any rate but one-fifth or one-sixth of the amount of the present imports had entered. No idea could be more delusive. The smuggler would have corrected the absurdity of your commercial system, and would have pocketed the gain to the revenue which the Exchequer has derived from facilitating commercial intercourse. Take the articles with respect to which there has been great complaint, such as watches, leather gloves, embroidery, and needlework. Do you think that, with a restored duty of 40 or 50 per cent, there would be a corresponding protection to domestic industry? No such thing. There would be a loss to the revenue, but not increased protection to domestic industry. There was a commission appointed in 1844, which was presided over by my lamented Friend, whose loss all who knew him, either personally or by character, must deplore, the late Lord Granville Somerset. It was a commission of inquiry respecting certain frauds in the customs. They reported that they were disposed to admit that the annual loss of revenue which occurred bore some approximation to one-half the amount of duty levied; that, with respect to lace, they were assured that more than one-half the quantity imported was introduced without payment of duty; and that the proceedings which had taken place in the courts of law showed the almost unlimited amount of fraud committed in respect to the article of gloves. They expressed serious apprehensions that extensive frauds were not confined to the articles abovenamed. With such evidence before us, what is the prudent course to pursue? Is it to continue the duty to such an amount as would have the effect of handing over to the smuggler half the revenue which ought to be derived from gloves, and to permit lace and embroidery to be sent into this country under encouragements to fraud, which no vigilance can control; or is it not the wiser plan to facilitate the legal import by lowering the duties, thus enabling the manufacturer here to know at any rate the nature and extent of the evil he has to contend with?

Let us take the case of the import of foreign manufactered goods in brass, copper, and cutlery. I have not forgotten the speech of the hon. Member for Birmingham, in which he described the state of Birmingham to be such that the Birmingham manufacturers in brass, copper, cutlery, and buttons, could not find a sale for their articles; that their trade was greatly depressed; and that the quantity of German and other foreign cutlery and buttons imported interfered with home productions even in the Birmingham market. Is it not marvellous that the Birmingham manufacturer should be beaten in Birmingham by the foreigner, when he can beat the foreigner in all the other markets of the world? ["Hear, hear!" Mr. MUNTZ: No.] Being aware of the deep interest which the hon. Member takes in all that concerns Birmingham, and of his general knowledge of the manufactures of that town, I was startled by his declaration, which elicited much cheering from the friends of protection. I said to an hon. Friend of mine—

> "Let us know the truth; let us have an account of all the metallic manufactures brought into this country from abroad; and in the same return, a statement of the amount of manufactured articles precisely of the same kind sent out of this country for the supply of foreign markets? we shall then know what is the foundation for the assertion that the Birmingham cutlers, and button makers cannot sell their own goods in their own town."

Well, the return which was thus moved for includes brass, copper, zinc manufactures, buttons, lacquered goods, and so forth. It gives the amount of all these articles imported from abroad. If you tell me that this is not a faithful account of the whole amount of imports—that a great many other articles are smuggled in, pay no duty, and do not appear in this return, my answer is—then let us reduce the duty again. That assertion constitutes anything but an impeachment of the reduction of the duty. The legitimate conclusion is that the duty retained is still too high. If, on the other hand, you admit that the duty is so low that there is no smuggling, but that this return contains a true account of the imports of the articles I have referred to, then let us compare the import of these foreign manufactured goods for the last three years with the amount which we sent to other countries. In 1846, 1847, and 1848, the aggregate average amount of all these imports into England from Germany and every other country was worth 102,000*l.*, or 34,000*l.* a year on the average of the last three years. Now, if we had exported only some such amount, that might constitute a presumption that our manufacture was depressed and interfered with, and that it was impossible for us to contend with foreign rivals in neutral markets. But in the same three years in which we imported this 102,000*l.* worth of metal goods, we exported annually to the amount of 4,400,000*l.* worth of exactly the same articles; the total aggregate amount of the imports in the three years being 102,000*l.* worth, and the total aggregate amount of the exports for the three years was 13,372,000*l.* The average of exports was 4,420,000*l.* worth a year. The average of imports, 34,000*l.* per annum. Now, what must these foreigners, who have not half our capital, or half our skill, or half our natural advantages for these productions of industry—what must they think of us when we denounce them as interlopers interfering with our domestic industry, inasmuch as they send here some 34,000*l.* worth of metal goods in the year, while we feel no scruple, at the same time, in interfering with their domestic industry by sending them 4,400,000*l.* worth? What a grasping, selfish, exacting people we must seem to them! I ask, then, how is it possible that the changes made in the tariff either in 1842, 1845, or 1846—that the free import of raw materials, or such an import of manufactured goods as I have described—can be justly made responsible for the manufacturing distress of this country?

I proceed to consider the second ground on which the hon. Gentleman impeached our commercial policy. I think he said that the average official value of all exports in 1845 and 1846 was 133,000,000*l.*, and that the average declared value in those two years was 59,500,000*l.*; that in 1848 the official value, which signified quantity, did not fall very far short of the official value in 1845 and 1846, but that the declared value in 1848 fell short by 6,500,000*l.*, amounting only to 53,000,000*l.* The hon. Gentleman drew this conclusion, that the working classes had received 6,500,000*l.* less in 1848 than they did before. The hon. Gentleman also instituted a comparison between four months of 1849 and four months of 1848. He said that there is a depreciation in cotton goods exported, comparing 1849 with 1848, to the amount of 646,000*l.*; and he added, that consequently the English workman has been obliged to receive for his labour 646,000*l.* less than in last year. I totally deny the inference which the hon. Member drew from that circumstance. I deny, because there was a falling off in the declared value of exports in 1848 as compared with the average declared value of those of 1845 and 1846, to the extent of 6,500,000*l.*, that therefore the working classes received in 1848 6,500,000*l.* less for their labour than they obtained in 1845–6. It would be melancholy indeed if that were the case; but my consolation is, that nothing of the kind has taken place. First, let me observe, that nothing can be more unsafe than any inference drawn from the returns which give the declared value of manufactures exported. Owing to the manner in which the accounts of imports and exports are prepared, arguments drawn from that source must be exceedingly fallacious. Take the case of the cotton manufactures; the official value is drawn from the aggregate quantity of the goods exported, without any reference to that most important element of value, quality. But if you argue that because the declared value of manufactures exported at one period is below that of another period, therefore we have sustained a corresponding loss, I will prove to you that this country ought long since to have been utterly ruined. It would, indeed, be a wonderful circumstance if, with the progressive improvements in machinery, and with a reduction of the price of not cotton alone, but of all the raw materials which enter into manufactures, there had not been a corresponding falling-off in the declared value of manufactured articles. The hon. Member for Buckinghamshire was not in Parliament at an earlier period, when a controversy raged with respect to this very question. The hon. Member said, if I recollect aright, towards the close of his very able speech the other night—*Nunc quidem novo quodam morbo civitas moritur.* Now, I want to show that this is an old disease; and I undertake to prove that it has, at former periods, afflicted the country under a much more aggravated form than it does at present. The doctrine which infested the late Alderman Waithman during his whole life, and which he carried with him to his grave, was this—that there had been a vast diminution in the declared value, as compared with the quantities, of articles exported, and that the country, therefore, was rapidly consuming its own strength, and approaching utter extinction. The hon. Member for Buckinghamshire would have been surprised at hearing how eloquent Alderman Waithman could be upon this point. This was the substance of the worthy Alderman's argument in his own words. He said—

> "That the Government forgot that every branch of our trade was founded on prohibition—that the country was struggling with dreadful difficulties—that 3,000,000 quarters of corn, and 2,000,000*l.* worth of silk manufactures, had been imported into this country; and although it was argued that the money paid for all this would come back, he could tell the House it was no such thing; for that, whatever we might import, our exports would not increase in consequence—that in the course of the last twelve years preceding that in which he spoke, we had lost 120,000,000*l.* by our export trade."

He proved all this by the paper which I

now hold in my hand. This shows how much more aggravated the disorder was in those days; and be it remembered that that fatal decline took place in the time of ample protection to domestic industry. Alderman Waithman took the exports from 1814 to 1828, with their official and their declared or real value, and divided them into two periods, one from 1814 to 1820, and the other from 1820 to 1828. He showed, that in the first period the excess of real over official value, was 41,521,000*l.*; that from 1820 the real value, as compared with the official, began to decline; and that in the second period, namely, from 1820 to 1828, the total excess of official over real value, was 83,243,000*l.* Thence he inferred that there was a depreciation in the value of articles exported, amounting, on the whole period of fourteen years, to the sum of 124,698,000*l.* He said that the yearly real value of exports from 1814 to 1820, was 45,262,000*l.* and from 1820 to 1828, 36,462,000*l.* He thus made the annual decrease amount to 8,800,000*l.*, to which he added a decrease of colonial and foreign produce, 4,524,000*l.*, making, together, 13,325,000*l.* Finally, the worthy Alderman made out that there was a depreciation in the value of exports to the extent of 28,000,000*l.* on 48,000,000*l.*, or 60 per cent; and then he prophesied, as doubtless he would have been justified in doing if his theory had been correct, that we could not continue in that course without being overwhelmed by bankruptcy and ruin. Ought not this to suggest to the mind of the hon. Member for Buckinghamshire the possibility of his being wrong in the deduction which he has drawn from the falling-off in the declared value of exports? Having diminished the cost, not only of cotton, but of oil, and everything which enters into the composition of manufactures, it is the natural result that there should be a diminished cost of production; but it does not follow that therefore there must be a reduction in the amount of wages paid. It is a totally erroneous conclusion, because the declared value of exports happens to be 646,000*l.* less at one period than another, therefore the workmen employed in manufacturing the exported articles have received 646,000*l.* less wages at one time than another. [Here Mr. DISRAELI made an observation.] The hon. Member's words were—

> "The cotton goods exported in 1849 were 646,000*l.* less in declared value than the same quantity of goods exported in 1848, and, therefore, the English workman had received 646,000*l.* less for his labour."

That is what I understood the hon. Member to state; and I contend, in reply, that it is erroneous to infer that because there has been a diminution in the declared value of exports, the labourers who produce the articles exported suffer any loss.

I will give another proof of the fallacy of conclusions drawn from the declared value of manufactures exported. In 1815, the number of yards of wove cotton manufactures exported from this country was 252,000,000, and the declared value of the same, 18,158,000*l.* In 1845, the quantity of wove cotton manufactures exported was 1,091,000,000 yards, and the declared value, 18,009,000*l.* Thus it would seem that 100 pieces of calico cost 18*s.* in 1815, and that 400 pieces cost no more in 1845. This circumstance alone is sufficient to show how unsafe it is to argue from these accounts of declared values.

The hon. Member for Buckinghamshire contends that the loss which he assumes to be exhibited in the falling off in the declared value of exported produce, has fallen mainly on the labourer, and he drew from that circumstance melancholy inferences with respect to the future condition of the country. Being desirous of meeting his arguments fairly and dispassionately, I will, as far as possible, comply with his suggestion, that in the course of this discussion we should refer only to official documents. It is, however, impossible to adhere strictly to that rule when the question turns on the present demand for labour, and the present condition of the labourer. Like the Chancellor of the Exchequer, I must be permitted to refer, upon this point, to the most recent information which I have received, and on the credibility of which I can fully rely. By far the most important part of the question is the condition and prospects of those who earn their daily subsistence by labour. From the accounts I have received on this subject, I will select those which have reached me from three manufacturing towns in different parts of the kingdom—from Chippenham, representing the manufacturing interests of the west of England; from Nottingham, representing the central part of England; and Dundee, representing Scotland. The letter from Chippenham, dated the 30th of June, is as follows:—

"Chippenham, June 30.

"My dear Sir—My statement to you this morning, I find, in reference to our books, to be correct. In the six months ending this day we have paid to the same number of people 25 per cent more wages than in the corresponding period of 1847, and more, fully 20 per cent more, than in 1848; and I believe the people in this place generally are better fed, better clothed, and in every way more comfortable than they have been for years. The general trade of the town is in a very flourishing state; poor-rates about 3*s.* 4*d.* in the pound; the number of people in the union workhouse, 97. The west of England cloth trade is unquestionably better than it has been for years. I have reason to know that in the town of Trowbridge, more goods have been made and sold in the last six or nine months, and a larger amount of wages paid to the people, than were ever before known; and this, I believe, is the case in the whole clothing district of the west of England; the Parliamentary returns of the consumption of cotton and wool prove it to be the same both in Yorkshire and Lancashire."

In the west of England, and other parts of the clothing district, there is indeed one cause of complaint. The manufacturers cannot get a sufficient quantity of foreign wool. When we reduced the duty on foreign wool, it was foretold that the measure would interfere with domestic produce, and reduce the value of the wool grown at home. So far from that being the case, the manufacturers are now crying out for more foreign wool; and the more foreign wool they obtain, the better is the demand for our own wool, in order that it may be worked up with the foreign. A letter from Nottingham is in these terms:—

"Nottingham, June 11.

"Both in the hosiery trade at Leicester and Nottingham an advance of wages has taken place, and a second advance is now demanded by the workmen: and, at the present time, I should suppose, that about one-fourth of the hands have now struck work in Nottingham for a second advance. In my experience, I have never found workmen turning out for an advance of wages but in times when they were comparatively in tolerable or better circumstances, and they have had full work now since May, 1848, and the price of bread and meat, as well as clothing, so cheap, that for many years past the operatives have not been so well off. I have no mills working short time, but all fully employed. The silk factories, who spin silk for the lace trade, cannot supply the present demand; the lace trade is much improved, particularly in black silk lace and black silk shawls."

The letter from Dundee said—

Dundee, June 11.

"In reply to your letter of the 9th instant, I beg to state, that at no period, for several years past, have the mills, in my district, been so actively or fully employed as at present. I have every reason to believe, that trade is healthy and flourishing; and it is the general opinion, that there is a good prospect of a continuance of this state of matters for some time to come. There is, consequently, great demand for labour, not only in the mills, but in all the occupations connected with our manufactures. Provisions and all other necessaries are extremely cheap, potatoes and butchers' meat excepted, the former of which articles is always scarce at this season of the year, and the latter comparatively little used by our working classes. Under these circumstances, I am glad to be able to add, that the condition of our labouring population and manufacturing districts, generally, is at present very satisfactory."

I have read these letters for the purpose of encouraging the hope that, although there may have been a reduction in the declared value of manufactures exported, the condition of the manufacturers is not necessarily deteriorated. These letters furnish conclusive proof that at least in three large towns, separated from each other by a wide interval, and being the seats of different branches of manufacture, the condition of the working classes is better than it has been for some preceding years.

I have now I believe examined the main grounds on which the hon. Member has impeached the commercial policy adopted of late years, and I submit to the House that the charges which he brought against that policy have not been sustained. The House must be aware of the deep interest I naturally take in this question. I cannot forget—although I allude to the circumstance without the slightest feeling of asperity—that I have been exposed to a good deal of misrepresentation and obloquy. I bear not the slightest ill-will to any one on that account; I must however put in my claim to vindicate that policy which I believe to have mainly contributed to preserve this country from great disasters. The hon. Member said on Monday night that the doctrine which he had repeated on former occasions, namely, that we cannot fight hostile tariffs by free imports, had never been contested. It is my intention to contest it now. If I refrained from disputing the proposition on any previous occasion, it was from no disrespect to the hon. Member's ability or station; but the subject has been more than once brought forward at the close of a debate, when I had no sufficient opportunity of entering into an argument of a not very inviting nature.

Before I advert to it, I must however examine fully the hon. Gentleman's reasoning with reference to the poor-law. I shall draw from the facts to which he referred a conclusion exactly opposite to that at which he arrived. The hon. Member said—

> "See how the poor-rate has increased—look at the charge per head for maintaining paupers—see how many more ablebodied labourers are paupers in 1848 than there were in 1846; and, with those results before you, can you refuse to join in condemning the policy which has produced them?"

Let us test the validity of this argument. The hon. Member adopted, and I am not surprised at it, the paper I hold in my hand, which is contained in the report of the Poor Law Commissioners, giving the cost of maintaining the poor for seven years when the price of wheat was lowest, and the cost of maintaining them for seven years when the price of wheat was highest. The hon. Member drew from this return the inference that when wheat was low, poor-rates were high, and that when wheat was high, poor-rates were low. I cannot blame the hon. Member for making use of this return; but I am surprised that public officers like the Poor Law Commissioners should have voluntarily made such a return. It is the most foolish document ever presented to the House. One would suppose, of course, that the Poor Law Commissioners had selected seven consecutive years in each case. The hon. Member certainly did not state that they were consecutive years, but imagining that they were, I confess, I was startled when I heard him state that in seven years of a low price of wheat, the cost of maintaining the poor was greater than during seven years when the price of wheat was high. I looked at the return, and I found that this is the order in which the commissioners have taken their seven years of low prices—1839, 1840, 1841, 1848, 1842, 1847, and 1838. Having made this extraordinary selection, the Poor Law Commissioners state the conclusion at which they arrived, namely, that in the seven years when the price of wheat was lowest, the cost of maintaining the poor, per head, was 6*s*. 3*d*., whilst it was only 6*s*. 1¼*d*. in the seven years when wheat was highest. How can the commissioners draw any conclusion from years selected in such a manner? Could it be supposed that the influence of the high price of wheat in a year like 1801, for example, when it rose to 106*s*. a quarter, was exactly limited to that particular year? What useful purpose could be served by taking a parcel of years in this way, and making no allowance for the subsequent effect which two bad or two good harvests in succession must have on the industry of the country? Take the very page in which this return of the Poor Law Commissioners appears—there appears in that page the amount of poor-rate and the average price of wheat for each year from 1834 to 1848. Does that justify the conclusion, that when the price of wheat is low, the cost of maintaining the poor is enhanced? By the way, I will here refer to one of the hon. Member's arguments which has just occurred to me. I was surprised to hear him state, on the authority of Mr. Jones, that when the farmers' income was 100,000,000*l*., they spent it all in manufactures; and that when it was reduced by 25 per cent, their power of encouraging our manufacturing industry was abridged in the same proportion. According to that theory it would, no doubt, be a good thing to have corn at 100*s*. a quarter. Only make it apparent that the well-being and comfort of the manufacturing population is dependent on a high price of wheat, and it would be the most cogent argument in favour of high prices ever adduced. To revert, however, to the return of the Poor Law Commissioners, giving the poor-rate and price of wheat from 1834 to 1848. Taking the average of the years 1834, 1835, 1836, and 1837, the price of wheat was 47*s*. There had been a cycle of good years, and at the end of it the country was left in a state of comparative ease and prosperity.

In 1834 the price of wheat was 51*s*. 11*d*.
1835 „ „ 44*s*. 2*d*.
1836 „ „ 39*s*. 5*d*.
1837 „ „ 52*s*. 6*d*.

At the commencement of the period, in 1834, the sum expended in the relief of the poor was 6,317,000*l*. The beneficial influence of low prices during four years, reduced the sum expended in the relief of the poor to 4,044,000*l*., in 1837. The rate per head was reduced from 8*s*. 9*d*. in 1834, to 5*s*. 5*d*. in 1837. The whole of this reduction must not be ascribed to the cheapness of corn; some portion is, doubtless, referable to the improved administration of the poor-laws. High prices succeed; and what was the case in the cycle of years in which they prevailed? In 1838 there was no material change; the total sum expended was 4,123,000*l*.; the rate per head 5*s*. 5¼*d*. Four years of high prices succeed.

In 1839 the price is 69*s*. 4*d*.
1840 „ 68*s*. 6*d*.
1841 „ 65*s*. 3*d*.
1842 „ 64*s*.

The average price being 66*s*. 9*d*. Thus the average price of wheat, which at the end of 1837 was 47*s.* rose in four years from 1839 to 1842 to 66*s.* 9*d.* In 1843 the poor-rate, which had been 4,044,000*l.*, in 1837 was 5,208,000*l.*; the rate per head, which in 1837 was 5*s.* 5*d.*, was in 1843, 6*s.* 5½*d.* The next three years, 1844–5–6, formed a cycle of good years. In 1844 the price of wheat was 51*s.* 5*d.*; in 1845, 49*s.* 2*d.*; in 1846, 53*s.* 3*d.*; the average of the three years being 50*s.* 9*d.* There was a corresponding effect on the total sum levied for poor-rates, and on the rate per head. The total sum expended was reduced from 5,208,000*l.* in 1843, to 4,954,000*l.* in 1846. The rate per head was reduced from 6*s.* 5½*d.* in 1843, to 5*s.* 10*d.* in 1846.

There is, however, a striking contrast between 1846 and 1848, and on that contrast the main argument rests. In the latter year there is a great increase in the aggregate poor-rate, and a great increase in the rate per head at which the poor are maintained; but under what circumstances? You had the price of wheat in 1847 rising from 67*s.* to 75*s.*, to 88*s.* to 92*s.* In 1848 you had distress, an increase of the number of ablebodied poor, the workhouses full, the poor-rates increased. What is the obvious inference? Surely, that dearness of provisions is the greatest misfortune. Surely the experience of 1848 warrants a conclusion the very opposite of that which some would draw from it. In 1847 such was the pressure of scarcity, that you hastily suspended the duties on corn, you suspended the navigation laws, and sent ships to collect corn from every quarter of the globe. Your whole condition was abnormal. In three years you expended 51,000,000*l.* sterling in the purchase of food. In 1846–47–48 you expended 51,000,000*l.* The demand for this vast quantity of food, in addition to your own supply, was sudden and unforeseen. You could not expect that there could be a corresponding amount of manufactured goods exported in return for such a demand. It was not only that we ourselves were suffering from scarcity. Every country of continental Europe was suffering at the same time, not perhaps in an equal, but in a very considerable degree. Are you surprised that your foreign trade should have been depressed, when every country in Europe was compelled to purchase food at extravagant prices? You had severe pressure at home—severe pressure in nearly a corresponding degree in foreign countries which used to be customers for your goods, and you must, of course, expect diminished trade. It is the natural consequence of diminished demand, of the necessity of applying to the purchase of food those means which in ordinary years are applied to the purchase of your manufactures Of that distress which you were suffering in 1848, free trade was not the cause. The high price of provisions and continental convulsions were the chief causes of a distress which was mitigated and not increased by the freedom of commercial intercourse.

It is on these grounds that I submit that the impeachment of the commercial policy of the last seven years has entirely failed. I now propose to consider the merits of the policy which the hon. Member would substitute in its place. I believe this question—I mean the principles which are to govern your commercial legislation—to be the most important question that can occupy the attention of Parliament. A Minister may make a blunder, and that may be corrected; but an error in the principles which direct your commercial legislation is an error likely to prevail for a long series of years. [*Cheers.*] I am glad to hear that in one sense we are all agreed; we have all the same object in view—the encouragement of domestic industry. I believe as firmly as any of those who dissent from me with respect to the mode in which the object is to be attained, that it is a vital question for the country—that unless our domestic industry be encouraged, we cannot expect peace, contentment, or prosperity. The point at issue is not the end, but the means by which that end can be best attained—the means by which we can most effectually encourage domestic industry.

We should greatly underrate the importance of this question if we supposed that it concerned only the accumulation of wealth. It is a question which affects the happiness of the people, which affects their social progress, their progress in morals, in the enjoyment of life, in refinement of taste and civilisation of manners—it concerns all these things at least as much as it concerns the accumulation of wealth.

It is considered by a powerful party that for the advancement of these great objects, the return to the principle of protection is indispensable. Of that party, whatever causes of dissension may have arisen, I never shall speak without sincere respect. I believe them to be in error as to this principle of protection—but that error is influenced by no selfish or interested motive. They are, I am convinced, actuated by a sincere desire to promote the happiness of the working classes, in an equal degree with those from whom they differ as to the means by which that end can be attained. The views of this powerful party have been explained and advocated by men of great ability—by men prepared to give practical effect to those views, if the present Government be displaced. To preclude misrepresentation or mistake, I shall quote the words in which the noble Lord at the head of the party, Lord Stanley, has announced the principle on which he is resolved to act. Speaking in the House of Lords, on the 1st of February of the present year, Lord Stanley said—

> "I am not favourable to prohibitory duties, but I maintain that it is necessary to give to our fellow countrymen that amount of protection which is necessary to counterbalance any disadvantages that may arise from the admission of foreign produce."

"We must return to the principle of protection." Again, on the 23rd June last, addressing the company at the Mansion House, Lord Stanley observed—

> "Foremost among the measures which we believe to be essential to the prosperity of this great country, is the recognition of this great principle —that legislative encouragement ought to be given to every branch of domestic industry."

In bringing forward the present Motion, the hon. Gentleman the Member for Buckinghamshire was equally explicit. He observed, speaking of our recent legislation—

> "That we have established a new commercial system, which mistakes the principles upon which a profitable exchange can take place between nations; that we can only encounter the hostile tariffs of foreign countries by countervailing duties; that such a system occasions, not scarcity and dearness, but cheapness and abundance. Hitherto," he said, "in enforcing the principles upon which the theory of reciprocity in commerce depends, I have laboured under the disadvantage of appealing only to abstract reasoning; now, however, we have practical results before us in the sufferings of our people and in the decline of our wealth."

Now, in opposition to these doctrines, I boldly maintain that the principle of protection to domestic industry, meaning thereby legislative encouragement for the purpose of protection—duties on import imposed for that purpose, and not for revenue, is a vicious principle. I contest the hon. Gentleman's assumption, that you cannot fight hostile tariffs by free imports. I so totally dissent from that assumption, that I maintain that the best way to compete with hostile tariffs is to encourage free imports. So far from thinking the principle of protection a salutary principle, I maintain that the more widely you extend it, the greater the injury you will inflict on the national wealth, and the more you will cripple the national industry.

I found my opinion on these grounds. The capital of the country is the fund from which alone the industry of the country can be maintained. The industry of the country will be promoted in proportion as the capital employed in its maintenance shall be increased. The augmentation of capital must depend upon the saving from annual revenue. If you give for certain articles produced at home a greater price than that for which you can purchase those articles from other countries, there is a proportionate diminution of the saving from annual revenue. If you attempt to redress the injustice which would be done by selecting one particular interest for special protection; if you aver that your object is to extend equal protection to all branches of domestic industry—then I reply that the more extensive that system of protection, the greater will be the aggregate loss of annual revenue — the greater will be the check to the augmentation of capital; that is to say, of the means by which labour is to be maintained. So far from encouraging domestic industry, you are, in the first place, by legislative interference, diverting capital from its natural and most profitable application; and you are, in the second place, by giving more for every article than it is worth, exhausting the source from which alone capital can be maintained and augmented.

The principles which should govern the commercial intercourse of nations, do not differ from those which regulate the dealings of private individuals. It is the same law which determines the planetary movements and the fall of the slightest particle of matter to the earth. It is the same law which determines the accumulation of wealth by the private trader and the powerful kingdom. We only obscure and mystify the truth, by overlooking the principle which governs the dealings of every man of common sense.

Adam Smith illustrates the great doctrines of Political Economy, by a reference to the simplest transactions. He says—

> "It is the maxim of every prudent master of a family never to attempt to make at home, what it will cost him more to make than to buy. The

tailor does not make his own shoes, but buys them off the shoemaker. The shoemaker does not make his own clothes, but employs a tailor."

He says, moreover, that—

> "What is prudence in the conduct of every private family, can scarce be folly in that of a great kingdom."

Now, let us consider the case of two artisans or dealers resident in the same town. The shoemaker and the tailor will answer the purpose as well as any other. The one wants clothes, the other shoes; they think it right to encourage the domestic industry of their own town—to deal with each other and not with strangers. The shoemaker gives ten shillings to the tailor for a certain quantity of clothes which he could get for seven shillings if he bought them in a neighbouring town. But by way of compensation the tailor gives him his custom, and pays ten shillings for shoes which he also could buy from a distant shoemaker for seven. Now, is there any encouragement in this to domestic industry? Is there not a loss of six shillings to the town in which they live, as the result of the dealing between these tradesmen? What are shillings in this case? They are the mere representatives of labour. Let a shilling represent the labour of an hour. Is it not clear that in each case ten hours of labour have been devoted to produce that for which seven would have sufficed? Have not six hours of labour been unprofitably applied? Could not each party have procured that for which he gave the labour of ten hours by the labour of seven—and thus have had three hours at his disposal, with which to procure something else?

Now, let us try whether the arguments in favour of protection will justify this apparently unprofitable waste of time and labour? It may be alleged, that in the town from which the low-priced articles could be procured, the rent of houses is much lower, or the cost of food much less, and that therefore the residents in that town can afford to supply their goods at a cheaper rate. Is this any reason for not dealing with them? Is it any sort of compensation to those who are burdened with a high rent for their houses—or who pay too much for their food—that they should pay ten shillings for their clothes, or ten shillings for their shoes—when they could buy them elsewhere for seven? It may be that the town which produces the cheap articles requires nothing or will take in return nothing, which the less favoured town produces. Some will consider that a decisive reason for withholding custom from strangers; they will say—

> "All our purchases must in that case be made with ready money—all the gold and silver coin will be sent out of the town, and nothing left wherewith to pay the wages of labour, and conduct the ordinary dealings of life."

Do not believe one word of this. Do not believe it either in the case of towns, in the same country, or of different countries in the great community of nations. Each town and each country will command the amount of currency which it requires for its own purposes, undisturbed in the slightest degree by consulting its manifest interest, namely, by purchasing that which it wants in the cheapest market. [*Derisive cheers.*]

Yes, by purchasing that which it wants in the cheapest market. You consider this a very low and unworthy principle; that it is a doctrine of the Manchester school; that it is a novel doctrine of some speculative political philosophers, and that it may be safely rejected. But this doctrine of purchasing in the cheapest market is not a doctrine of speculative philosophers only. It is not a doctrine introduced by modern economists. It is, no doubt, a doctrine sanctioned expressly and directly by the authority of Adam Smith. It is the doctrine of Say and of Hume. It is opposed to a doctrine which was fashioned some eighty or ninety years since, of which such writers as Montesquieu and Voltaire were the patrons; but Smith, and Say, and Hume, demonstrated the true principles which ought to regulate the commercial policy of a nation. There are others, however, besides writers on political economy, who have adopted those doctrines. When this country was suffering from great depression of trade in the year 1820, certain practical men, merchants and bankers of London, presented to this House a petition under the sanction of the honoured name of Alexander Baring. Those merchants and bankers propounded this doctrine—

> "That the maxim of buying in the cheapest market, and selling in the dearest, which regulates every merchant in his individual dealings, is strictly applicable as the best rule for the trade of the whole nation."

In that memorable petition, it was observed—

> "That, although as a matter of mere diplomacy it may sometimes answer to hold out the removal of particular prohibitions or high duties, as depending upon corresponding concessions by other States in our favour, it does not follow that we

should maintain our restrictions in cases where the desired concessions on their part cannot be obtained; our restrictions would not be the less prejudicial to our own capital and industry because other Governments persisted in preserving impolitic regulations."

[Mr. NEWDEGATE: What is the year?] 1820. The hon. Gentleman will derive great practical benefit from the perusal of this petition. [*Handing the volume which contained it to Mr. Newdegate.*] That petition was presented by Lord Ashburton when Mr. Alexander Baring, and enforced by him with the greatest earnestness.

MR. NEWDEGATE: The petition was presented the year after your Act of 1819.

SIR R. PEEL: The hon. Member says that petition was presented within a year of 1819. We will discuss the Act of 1819 whenever he pleases; but, in the meantime, he will not deny that, great distress existing in 1820, whatever be the cause in which it originated, the merchants and bankers of London declared to the House of Commons that free trade was the proper remedy.

It is said, we cannot fight hostile tariffs with free imports. That is an epigrammatic form of stating the argument. The hon. Gentleman the Member for Buckinghamshire explains it more fully when he says, that the only way in which we can encounter hostile tariffs is by countervailing duties. Let us dispassionately examine this position. Let us consider it in its application to the three greatest countries with which we deal—Russia, France, and the United States. Take, first, the United States. The United States imposes duties on our manufactures; say, 20 per cent on our cotton goods. With such a rate of duty, we maintain a not very successful competition in the markets of the United States. What course are we to take? We ought, it is said, to impose countervailing duties on American produce. Would it be wise to have a high duty on raw cotton? What should we gain by it? A complaint is made on the part of the English cotton manufacturer. He says—

> "I meet the United States' manufacturer in neutral markets; I meet him in his own market: in the latter to a disadvantage, but in the neutral markets I maintain my ground."

Shall we combat the hostile tariff of America by countervailing duties on the produce of America—that is, chiefly on raw materials, and cotton among the foremost. Will you tell me how you favour the English manufacturer by imposing a duty upon cotton? What other class in this country would derive any advantage from such an impost? We are not dealing with any exceptional case, such as that referred to in the petition of the merchants of London. We are not considering the policy of a duty on American produce as a matter of mere diplomacy, for the purpose of extorting some concessions in our own favour. We are discussing whether as a principle of commercial policy the hostile tariffs of other countries ought to be combated by countervailing duties. I contend against that doctrine. I say you will more successfully combat the disadvantages under which you labour from hostile tariffs by buying that of which you stand in need in the cheapest market.

Let us take the case of France. France will not admit our hardwares or our cotton goods. How should we deal with France? Should we impose a heavy duty on her wines? If so, you are going to reintroduce the principle of the Methuen Treaty into your legislation. By that treaty, because Portugal undertook to admit our woollen goods at low rates of duty, you admitted her wines on a better footing than the wines of France. I thought that treaty had been practically abrogated with the unanimous consent of all persons of experience in matters of trade. In 1845, without procuring any equivalent concessions from France, we reduced the duty on foreign brandy; it was 22*s.* 6*d.* per gallon; we reduced it to 15*s.* What has been the consequence? Have we suffered from that course? Has the advantage been an advantage to France alone? If, instead of reducing the duty from 22*s.* 6*d.* to 15*s.*, we had maintained the high duty, we should have had to pay a higher price for our brandy, and certainly should have gained nothing in revenue. You got good brandy, by legal trade, at a less price. Has the revenue fallen by that reduction? In 1845, the revenue from brandy was 1,208,000*l.*, the duty was 22*s.* 6*d.*; you reduced it to 15*s.*, and in 1848 the revenue was 1,207,000*l.* Thus there has been no reduction of revenue, an increase of importation, a reduction of price to the consumer, a reduction of smuggling—every advantage, and no corresponding disadvantage. What should we have gained by fighting in this case of French produce, a hostile tariff with countervailing duties?

We are dissatisfied with Russia. We think the Russian is a restrictive tariff.

Would it be any advantage to lay a heavy duty on the raw produce of Russia—upon her tallow—upon the several articles imported from that country, which we use in our own manufactures?

No doubt it would be for the advantage of trade—for our own advantage, and for the advantage of the countries with which we deal—that hostile tariffs should be reduced. It is nothing but the private interest of powerful individuals that induces the Governments of those countries, to the manifest injury of the great body of the people, to keep up those restrictive duties. Unquestionable as would be the benefit derived from their reduction, still if that benefit cannot be obtained, I contend that by the attempt at retaliation you would aggravate your own loss. Let this also be borne in mind, that the return to a retaliatory system, after it has been once abandoned, is infinitely more difficult than the continued adherence to it might have been. To re-establish duties upon the import of foreign produce, to be regulated by the principle of reciprocity, would be accompanied with insuperable difficulties. You have, in my opinion, no alternative but to maintain that degree of free trade which you have established, and gradually to extend it, so far as considerations of revenue will permit.

These are the grounds upon which I join issue with the hon. Gentleman, and upon which I earnestly deprecate the success of a Motion which would displace the noble Lord and the advocates of commercial freedom, for the purpose of placing in power those who contend for countervailing duties, who would establish, that which they call protection to domestic industry, but which, I believe, would be nothing but discouragement and detriment to that industry.

Feeling grateful to the House for their attention, I proceed to the last topic to which I shall advert—that which formed a principal part of the argument of the noble Lord who spoke last—namely, the agricultural condition of the country. I view the depression of that great interest with deep concern. I deeply regret the suffering that prevails among the agriculturists. So far as personal interest is concerned, my own is deeply involved in the prosperity of agriculture. If that consideration could bias for a moment the views of a public man, I should feel as much as any one, even on that account, the depression that exists. There can be no question, particularly after the notice given to-night by my right hon. Friend the Member for Stamford, that one of the consequences of the success of this Motion would be the restoration of protection to agriculture; that is to say, the reimposition of duties on the food of the people. No more fatal boon could, in my opinion, be offered to the agriculturists than any such protection as that which you profess to give. I entreat the friends of agriculture—I address myself especially to the noble Lord who spoke before me—to consider the real value of this protection. The noble Lord said, that in 1836 the farmers had very low prices; but then they had abundant produce, and that there were no complaints. On this point the noble Lord is mistaken. Abundant produce without the means of export had caused very low prices, and there were at the same time loud complaints and severe distress. I sat with other Members on a Committee which inquired into the condition of agriculture, and which attempted in vain to suggest a remedy. I do entreat the noble Lord's attentive consideration to the circumstances of that period—to the years 1833, 1834, and 1835. Protection to domestic produce existed in the highest degree. The duty on foreign wheat, when the price was less than 63*s.* was 1*l.* 4*s.* 8*d.* the quarter; when it was less than 67*s.*, 1*l.* 0*s.* 8*d.*; when it was under 62*s.*, 1*l.* 5*s.* 8*d.*—abundant protection, surely, so far as law could give protection. Meat was absolutely prohibited—animals of all kinds serving for subsistence were prohibited. Now let us take the price of wheat. In 1833 the average price was 52*s.* 11*d.*; the lowest price of the year having been 49*s.* 2*d.* In 1834 the average price was 46*s.* 2*d.*; the lowest price 40*s.* 6*d.* In 1835 the average price was 39*s.* 4*d.*, it having at one time fallen so low as 36*s.*; this took place with protection carried to an extravagant degree. Was the depression of price owing to the importation of foreign corn? Certainly not, for foreign corn was practically prohibited by the amount of duty. In 1833 the whole amount of wheat imported was 82,000 quarters; in 1834, 64,000; in 1835, 28,000. The noble Lord says there were no complaints. I do assure the noble Lord that there are no complaints now made with regard to the state of agriculture at the present period which at all correspond with the complaints made at that time. The Committee of this House was appointed in 1836; and very intelligent and respectable men were sent to represent the interests of agriculture, and give evidence to that Committee. I will refer to that given by the first six of the witnesses deputed on the part of the agriculturists to represent their condition. The evidence of others is in concurrence with their's. Now, recollect, you had had abundant harvests, the exclusion of foreign corn, and extravagant protection. And what was the state of agriculture? This is the account of it given by the witnesses to whom I have referred:—

The first witness, John Buckwell, says—

> "He farmed 700 acres near Lechhampstead, Buckinghamshire. This winter had sold wheat at 4*s.* 6*d.* per bushel. The lowest price at which we can grow wheat is 56*s.* a quarter. Now we have not above 40*s.* Within twenty years there has been a considerable change of tenantry. When new ones have come they have gone within a few years."

He was asked—

> "Why?—Because they could not stand any longer. What has become of them?—They have gone to the workhouse. Have they been men of prudence and character?—Yes, in general."

John Houghton, the next witness, farmed, on his own account, in Berkshire, Middlesex, Northampton, Sussex, and Buckinghamshire. Received rents in those counties, and also Lincoln, Surrey, and Suffolk. Wheat ruinously low on clay lands. Rent paid out of capital. Mr. Cayley asked him—

> "At what period did this distress you speak of commence?—From 1828 and 1829. Up to the present period we have been gradually getting worse."

Mr. John Rolfe was the next witness; he says—

> "There has been no amelioration in the condition of the farmer since 1833. The very reverse, continued depression, loss of capital, and ruin to the farmers. You do not speak of improvident men?—No. I know several farmers that are on the brink of ruin. They are pennyless. They are really hardworking, industrious men, and deserve every encouragement. They are sinking in consequence of the fall of prices."

Mr. John Curtis, the next witness—

> "Thinks the capital of the farmer has considerably diminished. Sees an alteration for the worse in the farmers. Last year paid his landlord's rent one-half out of his capital. At the present price of produce could not afford to pay any rent whatever; and that is the case generally with the farmers in his neighbourhood."

Mr. John Kemp said—

> "he farms 500 acres in Essex, of good quality; very little clay. As a farmer you are in distress?—Undoubtedly so. Has that distress been increasing gradually?—For the last eight years we were in a deplorable condition. The capital of the farmers has very much diminished. We were in in that state in 1831. But for the good crops of 1832, half the farmers in our country would have been obliged to stop."

Mr. William Thurnall, Cambridgeshire, a farmer, miller, maltster, oil crusher, and general corn merchant—

> "farms 400 acres. Lost the whole rent of his farm last year, and 300*l.* the year before."

Mr. Cayley asked the witness—

> "What is the condition of the tenantry generally in your neighbourhood?—I think verging on insolvency generally—in the most desperate state that men can possibly be. My book debts with the farmers are not worth 10*s.* in the pound. I dare scarcely open a letter, knowing the state of the farmers, fearing it may contain notice of some bad debt. Are these men verging on insolvency, men of prudent character and industrious habits?—I am speaking only of that class of men. I would not trouble the Committee with any others. And yet they are on the verge of ruin?—Yes; not only in Cambridge, but, generally speaking, great part of Norfolk, Suffolk, and Essex."

That is the evidence of the first six witnesses examined by the Agricultural Committee; and I now ask the noble Lord the Member for West Sussex, whether he is not in error in supposing that in 1835 the abundance of produce compensated the farmer for the lowness of price, and that there were no complaints from the farmers at that period?

I have not denied that there is at present in some parts of the country severe agricultural distress. I have deeply lamented that it should exist. I trust, however, that the gloomy forebodings as to the future are not well founded. I entreat those who are suffering to remember that heretofore undue apprehensions have been entertained. When, in 1842, the prohibition was removed from the import of meat and cattle, there was great and needless alarm, and considerable loss was the consequence. I entreat them to consider, whether it be not possible that the recent imports of foreign corn have been governed by other considerations than those which influence the usual course of trade; whether, from the disturbed state of some countries, and the desire of converting corn into money, we have not imported more corn than we should otherwise have done; whether there has not been in some cases a great loss on the import of foreign corn, and whether our own produce has not thus been unduly depreciated in consequence of circumstances unconnected with free trade. That is my impression. I entreat them also to consider this, that you never could, in the present state of public opinion, have maintained a law which would have given a guarantee for high prices in unfavourable seasons. In the south and west of England the harvest was deficient—the quality was inferior—probably much of the wheat grown was not worth 40*s.* a quarter. It might have been possible to devise a law which should have raised the price of that inferior corn to 50*s.* or even to 60*s.* per quarter. There would, in that case, have been some temporary compensation for deficient produce, but it would have been at the risk of creating disaffection and discontent, greatly outweighing the advantage of high prices gained by legislative intervention.

In the concluding part of his speech, the hon. Gentleman the Member for Buckinghamshire alluded to the condition of the labouring classes. He said, he thought the tendency of recent legislation had been to lower their condition. He described them as members of a powerful hierarchy, the greatest in the world. That is a romantic and poetical view of their condition. Let me indulge in a more prosaic, but more practical view of the real condition of that class of this great hierarchy, as it stood in the year 1842. Let me take the position of a mechanic at Paisley, or of a labourer in Dorsetshire, or one of the southern counties. Let me suppose that in 1842 each of them was in the receipt of 10*s.* a week, or, let us say 12*s.* a week for the mechanic, and 8*s.* for the labourer. First, consider the deductions you ought to make from this 12*s.* and 8*s.* a week, for house rent, for clothes, and medical attendance. Suppose there be in each case a family of three or four children. After making the deductions to which I have referred from the weekly receipt of wages, consider what are the various articles, the absolute necessaries of life, which will be required for the sustenance of such a family. Then review the state of taxation as it existed in January, 1842, so far as those articles were affected by it, and you cannot, I think, justly contend that the tendency of recent legislation has been unfavourable to the interests of the labouring classes.

At the commencement of the Session of 1842—

All Animals — Oxen, Sheep, Calves, Swine, were ...	prohibited.
Beef, fresh, or slightly salted ...	prohibited.
Pork, fresh	prohibited.
On salted Beef, a duty of ...	12*s.* per cwt.
Pork, fresh	12*s.* per cwt.
Bacon	28*s.* per cwt.
Potatoes	2*s.* per cwt.
Lard	8*s.* per cwt.
Hams, of all kinds	28*s.* per cwt.
Cheese	10*s.* 6*d.* cwt.
Butter	20*s.* per cwt.
Tallow Candles	63*s.* 4*d.* per cwt.
If the price of Wheat was 65*s.* per quarter ...	duty 26*s.* 8*d.*
Oats, 25*s.* per quarter	„ 9*s.* 3*d.*
Barley, 33*s.* per quarter	„ 12*s.* 4*d.*

Indian corn, the great resource of the Irish people during the famine of 1846 and 1847, had a duty attached to it equal to that on barley, and varying with the price of barley.

Sir, it pleased this House to repeal some and to reduce others of those duties. My belief is, that a wiser decision than that to which you came—to subject property to direct taxation within certain limits—to remove the prohibition upon foreign cattle—to permit swine and sheep to be imported—to reduce the duty on corn, on sugar, on lard, on butter, and on cheese—you never made. My belief is that you have been amply repaid for any loss you may have sustained by that reduction; that you have gained the confidence and goodwill of the labouring classes in this country, by parting with that which was thought to be directly for the benefit of the landed interest. It was that confidence in the generosity and justice of Parliament which in no small degree enabled you to pass triumphantly through that storm which convulsed other nations during the year 1848. If, in 1842, and the following years, you had not made those reductions, had not subjected property to direct taxation, in order that you might relieve the labouring classes from the manifold impositions to which their subsistence was liable, such is the strength of your institutions, that you would no doubt have rode out the storm, but you would not have rode it out with the satisfaction of feeling that in the hour of peril you had the cordial support, the confidence and goodwill of those who depend for their subsistence on the wages of labour.

Your metropolis did indeed present a majestic spectacle, when 160,000 men, of the middle and working classes, were ranged in her streets in the support of authority; with the determination, without reference to party distinctions, to preserve the peace of this city, and to defeat the designs of the disaffected. But it is my belief that the metropolis did not exhibit a perfect and complete example of the spirit by which this country was animated. You most go elsewhere before you can fully estimate the true state of the public feeling at that critical period. Yo must go to the great seats of manufacturing industry—to Stockport, to Paisley, to Manchester—to the mines—to the collieries—to districts not subject to the various influences which, in a great metropolis, are combined in favour of order and the maintenance of authority. No, it is not London that I would select as the best example of the resolution which pervaded this country to maintain its laws and constitution. I would look to the West Riding of Yorkshire, to Lancashire, to places where, in former periods—in such times as 1818 and 1819—social order has been shaken to its foundation. In those districts, since the year 1846, the manufacturing interests have been deeply depressed, there has been great want of employment, great suffering from many privations. But see the patience and resignation with which that suffering has been borne; see how the inhabitants of these districts have conducted themselves, when, in combination with suffering and privation, they have had before their eyes the example of Irish disaffection—of revolutionary violence in France—of continental thrones subverted—of almost universal anarchy where before there had been peace.

I hold in my hand the report as to the state of Manchester, made by the chief officer of police. It bears date the 19th April, 1849.

He observes—

> "In presenting these returns, it is impossible to avoid referring with pride and satisfaction to the state of this borough during that period of excitement and anxiety which occurred early in the past year. Slight disturbances did certainly take place; but when all circumstances are considered, it will be, I think, generally felt that it is scarcely possible to have stronger or more satisfactory evidence of the general intelligence, and loyal and peaceable character of the population around us, than was afforded by the events which occurred during the period referred to. Whilst gratefully acknowledging—as one having some degree of official responsibility in the maintenance of order—the firmness, vigilance, and watchful care manifested for the preservation of the peace by the mayor and magistrates, the active organisation of districts by the committees of the council, and the liberality of that body in granting efficient assistance to the ordinary police, as also the invaluable co-operation and assistance so readily afforded by the owners of warehouses, shops, and property and by those in their employ, I venture to suggest that this borough was indebted to a still larger extent to the working classes and the mill operatives, for the maintenance of order: to that important class, for their expressive disapproval of, and absence of sympathy with, the proceedings of the few disorderly and disaffected individuals who sought to create disturbance; for their determination to continue at their ordinary employment, and to resist any attempt at interference; and for the promptitude with which they at once agreed to be associated for the protection of the property of their employers, we are unquestionably indebted more than to any other source for the success which happily crowned the efforts of the authorities to preserve the peace and protect the property within this borough, during a period of almost unprecedented excitement and alarm, and of great privation and distress.

Surely these are significant facts—surely these are decisive proofs that the policy you adopted in removing the duty on articles of first necessity, was a wise policy. That which was done was no act of a sagacious Minister—the coming crisis was not foreseen by statesmen. It was no lucky accident. It is my firm belief that it pleased Almighty God to hearken to your prayers. It pleased him to turn "your dearth and scarcity," into "cheapness and plenty," and so to direct and prosper your consultations, that upon the eve of a great calamity, standing on the brink of a great precipice, you established "peace and happiness," on the foundations of "truth and justice." You have reaped the fruits of that policy. You have passed unscathed through the sternest trials to which the institutions of nations were ever subjected. You have stood erect amid the convulsions of Europe. And now you are to have a proposal made to you of some paltry fixed duty upon corn. Consider what this is. If it be 5*s*. on wheat, it will give a duty of 2*s*. 6*d*. on barley, and 2*s*. on oats; that is, 1*s*. 6*d*. on barley, and 1*s*. on oats more than you have at present. It is an equivocal advantage at the best. But by every consideration which can influence consistent and rational legislators—by the highest suggestions of a generous policy—by the coldest calculations of a low and selfish prudence, I do implore you to reject this proffered boon. I implore you not to barter away the glorious heritage for which you are indebted to your sagacious and timely policy—for the most worthless consideration for which, since the days of him who sold his birthright for a mess of pottage, the greatest advantage was ever surrendered.

The MARQUESS of GRANBY: Sir, I hope the House will be kind enough to give me its indulgence for a short time, seeing the great disadvantage that I should rise under any circumstances, in endeavouring to answer my right hon. Friend; but particularly on the present occasion, when the hour is so late (past twelve o'clock). My right hon. Friend has made a very able and a very lengthy speech, and on both those grounds I hope for the indulgence of the House. My right hon. Friend began his speech by saying, that the question that we had that night to decide was, whether we were to retain Her Majesty's present Government in office, or reverse the commercial policy of this country. Now, Sir, if that was the question, with all my respect for the talent of Her Majesty's Government, I should have no hesitation in deciding in favour of what I believe to be true, and essential to the material interests of the country; for I cannot agree with my right hon. Friend that the inheritance that we have from his measure is one that we ought to endeavour to retain. We ought rather to part with it on the first opportunity that presents itself; and if the House will grant me its indulgence, I think, even at this late hour, I shall be able to show that I have some grounds for saying so. Sir, my right hon. Friend began by thanking my hon. Friend the Member for Buckinghamshire for the admission that he made at the commencement of his speech, when he admitted that great prosperity prevailed in 1846. My hon. Friend did make that admission; but that prosperity prevailed before the operation of the tariff of 1846, or the Corn Repeal Bill of February, 1849. My right hon. Friend says that the principle of those measures was the same; that the tariff of 1842 embodied the principles of the measure of 1846. Now, in that is involved the whole of the question. There is no doubt that, if protection is rated too high, it is a most dangerous principle; but, on the other hand, there is no doubt that if you reduce it below those moderate duties which I believe are the best calculated to promote the welfare of any country — I say, that if you reduce it below that standard, you must expect the results that you have had. But the hon. and learned Gentleman the Member for Sheffield said the other night (and it was repeated by my right hon. Friend this evening), if you had not passed these measures—and I assume that the corn-law repeal is more directly adverted to—what would have become of you in February, 1848, when the whole continent of Europe was convulsed, and thrones were toppling down? Why, Sir, the alteration of the law in 1846 could not have occasioned to you an exception from convulsion and anarchy, when the duty on corn was higher at that very time by 3*s.* per quarter than it could have been under the Bill of 1842. The repeal of the corn law, under the Bill of 1846, did not come into full operation until twelve months after the revolution of February, 1848, and therefore that measure could not have saved you from political convulsions. When we venture to trace the distress that now universally prevails throughout the country to the measure of 1846, and the passing of the Corn Law Repeal Bill in February, 1849, my right hon. Friend tells us that free trade has not had a fair trial, and that we have no right to impute the present distress to those measures; whilst on the other hand he maintains that our freedom from revolution was owing to the Bill passed in 1846, and which did not come into full operation until 1849—only five months ago! To such ludicrous inconsistencies are even very talented men reduced when they attempt to hold up a system which, in my conscience, I believe was founded upon a most erroneous policy, and which will prove most injurious to the welfare of this country. My right hon. Friend has said that, notwithstanding the abundance of corn in 1836, the farmer was more depressed than he is now; but there is this very great distinction between the case of the farmer then and now—he might then be disposed to attribute the depression to accidental circumstances over which the Legislature of the country had no control; whereas, at the present time, you tell the farmer that you have passed measures in order to produce low prices. That is the object of our measure. We have gained that object. We have gained those low prices. You say to them, "We won't repeal the law which has given you these low prices; we admit that these low prices are the cause of your depressed state, but we will do nothing to relieve you." But, Sir, that was not the case in 1836. The case then was of a temporary nature, and Parliament and my right hon. Friend promised to do their utmost to relieve the farmer from his depression. The cases, then, are totally different. The farmers now said, "We had confidence then in the honour of the House of Commons, but now we have none whatever — the only remedy for us now is the poorhouse or the colonies." Now, Sir, we have heard a great deal about the agricultural labourer, and the effect which this change in the corn laws has had upon him. I stated to the House on a former occasion, and I now repeat the statement, and defy contradiction, that in Lincolnshire, at all events, the agricultural labourer is infinitely worse off than at the time of high prices and high wages. The wages of the agricultural labourer in Lincolnshire have been reduced from 12*s.* to 10*s.*, whilst the cost of the articles of consumption has been so only to the amount of 15*d.*; so that the agricultural labourer is out of pocket 9*d.* in the week. Those facts are derived from the statements of the labourers themselves taken by parties anxious to obtain correct information; and I venture to say no one will contradict them. There are a variety of topics on which I should have liked very much to dilate, but at this late hour I would not presume so much upon the indulgence of the House. I will, therefore, go at once to that which I consider the most important part of the question—the condition of the labourer. I have already alluded to the condition of the agricultural labourers, as far as I know, not in my own district. The right hon. Baronet read a letter from Nottingham, from, I presume, a master manufacturer. I will read another from the secretary of the Stocking-makers' Association in that town: it is but fair that the House should hear both sides of the question. I may state that some time ago I was called upon by the operatives of Nottingham to afford them some relief under the privations they were then suffering, and now suffering, I am sorry to say. I wrote to inquire what were the wages they received when they struck, and what was the advance they struck for. They replied that the wages they received at the time they struck was 5*s.* 6*d.* a week, and they struck for a rise of 1*s.* 6*d.*, or 7*s.* a week. Can any one say that this is a condition with which any man could be content? It may be inevitable, but I say that we ought to inquire, at all events, into these things; and I call upon the House, therefore, to vote for the Motion of my hon. Friend the Member for Buckinghamshire. I will now read the letter of Mr. Emerson. He says—

> "Certain I am, that if we had more friends to the cause of labour and of native industry, the cause of the poor operative and labourer would be better attended to. I can with confidence assure you that the operatives in the framework knitting trade have been deluded, and now begin to see the folly of free-trade principles and that party—[they are now speaking, I believe, of gentlemen of the Manchester school], and that party they find to be the greatest enemies of the working classes. One of the greatest manufacturers of Nottingham told the deputation which waited upon him on Monday last, that he was astonished at their impudence in asking for an advance now that bread and provisions were so cheap."

What a man must this be! When these poor fellows, starving on a miserable pittance of 5*s.* 6*d.* per week, go to ask for 7*s.*, he tells them he is surprised at their impudence! I should not be surprised if this were the very master manufacturer who wrote the letter to the right hon. Baronet. Mr. Emerson proceeds—

> "The time has arrived when the working classes have determined not to be deluded by that class of men for the future, for they invariably find them [the Manchester school] the greatest enemies to the working men."

But if the House will allow me I will come much nearer to the question, and show you that, if you really desire to benefit the people, you must grant the inquiry my hon. Friend asks for. I have here a return which shows the reduction of wages, since 1845, in every species of manufacture, in Manchester, compared with the reduction in the price of provisions. I do not see the hon. Member for Manchester in his place, but there are other hon. Gentlemen who can tell me if this return be false. The Chancellor of the Exchequer, the other evening, said that of course there would appear a reduction of wages if we compared 1845 with 1849, because the Ten Hours Bill had passed, and it was not to be expected that the workmen would be paid the same wages for working ten hours that they were for working sixteen hours. But the reduction of wages shown in this table is not effected by that; as the House will perceive, it gives the reduction in the price paid, and not upon the time the weavers are at work:—

> "Effects of Free Trade on British Industry, being a comparate View of the Rates of Wages given in and about Manchester in the years 1845–6 and 1849.
>
> "In the year 1846, for weaving 75 cotton handkerchiefs, in a 36 reed, the sum of 4*s.* 6*d.* was paid; and in the year 1849, for the same amount of work, the sum of 3*s.* 8*d.* is given.
>
> "In the year 1845-6, for weaving a 36 check, 54 yards long, the sum of 3*s.* 6*d.* was paid; for weaving the same quantity in 1849, not more than 2*s.* 7*d.* is given.
>
> "In the years 1845-6, for weaving 64 yards of a plaid, the sum of 4*s.* 6*d.* was paid; but in the year 1849, for weaving 66 yards of the same work, the sum of 3*s.* is given.

"In the year 1847, for weaving a 44 check, 30 inches wide, 44 picks to the inch, the sum of 4*s*. 7*d*. was paid; for weaving the same kind of work, with 48 picks in the inch, and 68 yards long, the sum of 3*s*. 3*d*. is paid in the year 1849.

"For weaving 67 yards of chambrey, containing 14 lbs. of weft, the sum of 6*s*. was paid in the year 1846; for weaving 70 yards of the same work, containing 17 lbs. of weft, the sum of 5*s*. is paid in the year 1849.

"For weaving 30 yards of a mixed dress piece, a mixture of silk, woollen, and cotton, in a 110 reed, 60 picks in the inch, the sum of 10*s*. was paid in the year 1845; for weaving 35 yards of the same work, containing 62 picks in the inch, the sum of 7*s*. is paid in the year 1849.

"For weaving in a 44 reed a cotton check piece, 30 inches wide, 44 picks to the inch, and 64 yards long, the sum of 3*s*. is paid, out of which 9½*d*. is allowed for winding. An active weaver, by working 15 hours per day, will finish two of them in a week.

"For weaving 144 gross yards of inch wide float lace, the sum of 1*s*. 10*d*. was paid in the year 1846. For weaving the same amount of work in 1849, the sum of 1*s*. 4*d*. is paid. A weaver will produce about 12 gross per week.

"For weaving 144 yards of inch wide Oris lace, the sum of 4*s*. 6*d*. was paid in the year 1846. For weaving the same quantity of work in the year 1849, the sum of 3*s*. is paid, being a reduction of 1*s*. 6*d*. per gross yards.

"In April, 1849, for a dress piece, composed of cotton and woollen, wove in a 72 reed, 60 picks in the inch, and 26 yards long, Messrs. Ashbury, Critchley, and Armstrong, in Mosley-street, Manchester, paid the sum of 5*s*. for weaving; and in June the same persons do not pay more than 2*s*. 9*d*. for weaving the same work.

"To iron moulders the sum of 36*s*. per week was paid in the year 1846; but in 1849 their wages vary from 24*s*. to 30*s*. per week, and there are cases in which a less amount of wages is given.

"Machine smiths, in the year 1846, were paid 28*s*. per week; and in the year 1849 their wages average about 24*s*. per week.

"Coal miners of Lancashire were paid for getting coal, 3*s*. per yard for cutting, and 5*s*. per quarter, being 3 tons weight, in the year 1846; but in the year 1849 they are paid 1*s*. 6*d*. per yard for cutting, and 3*s*. 9*d*. per quarter, being 3 tons weight.

"To silk hat-body makers the sum of 8*s*. per dozen was paid; but in the year 1849 they are paid 6*s*. per dozen. A man will produce about four dozen per week.

"Silk hat finishers were paid 6*s*. per dozen for finishing in the year 1846; and in the year 1849 they are paid 5*s*. per dozen. A man will finish about four dozen per week.

"Cotton spinning.—For spinning 117 counts, on mules of 648 spindles, the sum of 7*d*. per lb. was paid in the year 1846; for the same counts and number of spindles, the sum of 6*d*. per lb. is paid in the year 1849."

But, on the other side, I have the reduction in the expenditure of those who have been reduced in their wages:—

An Estimate of the Expenses of a Man, with a Wife and Two Children, in the Year 1849, as compared with 1845-6, presuming that his Earnings were 20*s*. per Week in 1845-6, and not more than 15*s*. per Week in 1849; which is the case with too many Operatives in the Manufacturing Districts.

In the Years 1845-6.	Cost Price.			Gain at 25 per cent Reduction.		
	£.	*s*.	*d*.	£.	*s*.	*d*.
Coat, waistcoat, and trowsers, average amount of expense	2	10	0	0	12	6
One hat, ditto	0	10	0	0	2	6
Shoes, ditto	0	15	0	0	3	9
Two pairs of stockings	0	3	4	0	0	10
Cloth for two shirts, presuming them to be made by wife	0	5	0	0	1	3
Handkerchiefs	0	4	0	0	1	0
Shoes, stockings, and wearing apparel for wife and children	5	0	0	1	5	0
Bedding, &c.	0	12	6	0	3	1½
1,500lbs. of bread, presumed to be reduced ½*d*. per lb.				3	2	6
100lbs. of sugar, ditto 1*d*. per lb.				0	8	4
7lbs. of tea, ditto 1*s*. per lb.				0	7	0
7lbs. of coffee, ditto 4*d*. per lb.				0	2	4
40lbs. of candles, ditto 1*d*. per lb.				0	3	4
78 cwt. of coals, ditto 1*d*. per cwt.				0	6	6
The prices of butcher's meat, bacon, bacon, and potatoes, house-rent, and poor-rates, not higher in 1845-6 than in 1849.						
Gain on purchases in 1849, as compared with prices in 1845-6				6	19	11½
The wages of an operative in 1849 being reduced 5*s*. per week as compared with the years 1845-6, the loss per annum to each of such operatives is				13	0	0
Net loss per annum to a man with wife and two children				6	0	0½

I do not say that this is to be relied upon implicitly; but when the Chancellor of the Exchequer read letters, and the right hon. Baronet read letters, from different—I suppose—master manufacturers, it is but fair that the accounts of the poor operatives themselves should be laid before the House, and that the House should allow the Committee my hon. Friend has called for to investigate which is right and which is wrong. I must now allude to an observation made by the Chancellor of the Exchequer, in answer to my hon. Friend the Member for Buckinghamshire, who stated that employment is the one thing needed in this country, and that it is the want of employment which is increasing our poor-rates, and filling our gaols and workhouses. To this the Chancellor of the Exchequer said, he had great hopes that employment would improve, and that there would not be that want much longer in this country; and he hoped that, because he trusted to the energy of the farmers—to their skill and to their capital. As a rejoinder to that, I will mention one fact, which will show the distress that prevails amongst the agriculturists more than anything I could say if I were to talk for an hour. In Lincolnshire, a county which is supposed not to be equally distressed with some others, one of the most respectable agricultural implement makers in the kingdom, whose work and whose prices have given the greatest possible satisfaction, a resident in that county, states that in June, 1845, he paid in wages 130*l.* 16*s.*; and in June, 1849, 62*l.* 14*s.*, or less than one-half. In that month, in 1845, he employed 120 men, and in 1849 only 50. This, of course, has had a most distressing effect upon the small shopkeepers and traders in the place where these men were employed. "This falling off," says he, "is entirely owing to the low price of agricultural produce, the farmer not being able to pay for implements, although the value of implements in the cultivation of land is more than ever understood." I therefore ask, what chance is there of more employment? What chance is there, I say, when the number of implements employed is reduced one-half, because the farmer has not capital wherewith to purchase them? I must be allowed to make one remark in reference to what fell from the right hon. Baronet in answer to my hon. Friend the Member for Buckinghamshire, who stated that the exports had fallen off 7,000,000*l.* in value since 1845-6. The right hon. Baronet said—

> "Of course there must be a great diminution in the value of our exports, when we consider the reduction in the cost of the raw material, the price of provisions, and the rate of wages.

Now, with regard to the raw material, I cannot admit that the country suffers from the reduced value of our export in consequence of the reduction in cost of the raw material. The market value of the whole of the articles of cotton manufacture, according to Mr. Burn, in his statistics of the cotton trade in 1845, was 22,409,988*l.*, and in 1848, 18,791,414*l.*, being a falling off of 22 per cent in value. The quantity, according to the customs returns, diminished at the rate of 12 per cent, leaving but 10 per cent as the depression of price. As the cost of the raw material forms but one-third of the cost of the manufactures, the net value, exclusive of raw material, would amount to 12,527,610*l.*, 10 per cent depression upon which would be 1,252,761*l.*, the net loss to British industry. With regard to an increase in our exports in the last four months, that is, in my opinion, mainly owing to the extent of the reduction of the sale in the home market; and if the agricultural interest should ever again be in a prosperous condition, the exports will again fall off as the home market absorbs its accustomed quantity. But I believe there is another reason for that increase—I believe that a great portion of these increased exports have been sent to America in anticipation of the increased tariff which America will shortly possess. But the great argument of free-traders in accounting for the falling off in the exports is, that it is in consequence of continental disturbances. What! are you, the advocates of free trade, to come forward with that as an excuse for your declining trade? Did not we warn you what the consequence would be of giving up our home markets? Did not we tell you what would be the consequence of giving up a market which you had under your control, and relying upon the markets of the foreigner? Why, your system has as yet only partially come into operation, and yet you venture to tell us that the failure of your continental market has reduced your exports. But I tell you that you exaggerate that cause. Do not think the continental market affords you any excuse for the failure of your fantastic and visionary theories. No doubt the consumption of the disturbed districts has been reduced greatly; but, at the same time, there has been a much less production in those countries. The consumers of your goods—the mass of the consumers—lie in the agricultural districts of the Continent: the continental producers are located in the towns. The disturbances took place principally in the towns, and the consumption was not materially decreased, while the foreign production was largely decreased. Look at the state of France: the workmen were on the barricades, and, of course, were unable to work; but even in Paris the consumption did not stop. The revolutionary blouse and the red cap were everywhere worn, and, instead of our manufactures decreasing, many manufacturers turned their attention to the production of the material for the construction of the new style of dress. In the report of the inspectors of factories, we learn something of your foreign trade. Mr. R. J. Saunders, one of the factory inspectors, enters somewhat minutely into details, and makes his deductions and calculations from the information he has acquired. He says—

> "The state of trade in Lancashire and some parts of Yorkshire during the last two months of 1848 and the four first months of 1849, has varied so much from different circumstances as almost to preclude the possibility of speaking truly upon them. At the beginning of that period it is known that there were very large stocks of woollens. The manufacture of railway covers and revolutionary blouses has not only absorbed the greater portion of them, but the manufacturers have turned their attention to that trade."

There is one further passage so important that I must beg the attention of the House:—

> "Every business in the early part of the year was brisk: the mills were working 13½ hours per day, with relays of young children; but that was only a temporary improvement. It has now generally fallen off; many of the largest cotton mills work only three days a week; and in some districts it is necessary, for the sake of employment, to obtain garden allotments for the clothiers, in order to eke out the partial employment given them by the manufacturers."

I fear, therefore, that there must be a great set-off against these increased exports. I fear that consignments of woollen goods often take the place of real demand, and that, in a period of apparent prosperity, the fulness of work is not occurred by a legitimate demand. I fear that is the case at the present moment, and I have good reason to believe so from this report. I will only make one further allusion. The Chancellor of the Exchequer taunted the other night the country gentlemen of England with a desire to increase their rents, to pay their mortgages, and maintain their families at the expense of the labouring man. If that statement had been made by a hired delegate of the Anti-Corn-Law League, I might have understood it; but when it is made by the Chancellor of the Exchequer in the British House of Commons, if I have a voice sufficient left me, it shall not be passed over here altogether in silence. In 1846, when the country gentlemen of England were deserted by their natural friends—when the country gentlemen of England were derided, as it was not surprising they should be, by their opponents, they did not flinch from the opinions they had ever maintained — they did not flinch in the hour of trial. And why were they thus unyielding? It was because they were convinced by reason and by argument, that in maintaining protection they were not maintaining it simply for their own benefit, but because they were maintaining a system which, in their consciences, they believed to be conducive to the best interests of all classes in this mighty empire. It was that feeling which supported them in their trials, opposed as they were by some of the leading and ablest men on both sides of the House. And now, in the year 1849, when those principles had received the confirmation of time and the sanction of experience, they were not likely to abandon them, notwithstanding taunts, let them come from whence they may. We read in the defence of the right hon. Baronet this night the knowledge which he had of the weakness of the cause which he so ably endeavoured to support, and we also read that the prophecy which was made by my hon. Friend the Member for Buckinghamshire will very shortly be fulfilled.

Lord J. RUSSELL: Sir, I should be wanting in respect to the hon. Gentleman who has made this Motion, and to his supporters, if I were not to state some, at least, of the grounds upon which I think I am justified in resisting that Motion. I may say, that so far as the conduct of the Government is concerned in the present state of affairs, I should rest satisfied with the speech of my right hon. Friend the Chancellor of the Exchequer. I must say, also, that with regard to the general principles of the commercial policy of the last seven years, it would be the height of presumption in me to enter into the consideration of those topics, or to attempt to defend those principles, after the able and, as I think, unanswerable speech of the right hon. Baronet the Member for Tamworth. But we have before us the hon. Gentleman's Motion, asking that the present Ministry be displaced, and that a new Ministry be formed on the ground of the restoration of protection. The hon. Gentleman quoted, at the end of his speech, an eloquent passage from Cicero, to the effect that he saw no other end to concession except the destruction of the Republic. But the hon. Gentleman seems to have thought that Cicero was wanting in resurces, and that, if he had but thought of a Motion on the state of the nation, some remedy might have been found for such a state of despair; because the hon. Gentleman, after he had described the many woes which we were enduring—after detailing the distress which was felt in every part of the country—after informing us that, so far as he could learn, the state of the country was one of suffering without hope, as dreadful almost as that which Dante has described to be the state of the condemned spirits—he then proposed, on the ground of this miserable state of the nation, to displace the Government, though he gave us no hint as to what those measures are by which he expects to revive the hopes of the country. But we have got some further light thrown upon it to-night, because the right hon. Gentleman the Member for Stamford, the future Chancellor of the Exchequer, has told us —reversing the order of things, exhibiting a precipitation, and almost juvenile ardour, on this question, and before he has accepted the seals of office, before he is properly entitled to bring forward the measures of his Government, announcing what those measures are—that the right hon. Gentleman has already given notice that he means to propose a moderate fixed duty. We have, then, the statements, left out of the hon. Gentleman's Motion, of what is to be the result if that Motion is carried. Now, I must take notice of one or two of the statements of the hon. Gentleman. He referred to an official return, which I, in compliance with his wishes, had produced, with respect to the increase of the poor-rates, and he said that that return alone would justify him in asking the House to agree to his Motion. I think he came rather late with that convincing reason for his Motion. That return was a return of the expenses under the poor-law for the year ending May-day, 1848; and, therefore, comprising three-fourths of the year 1847, and only one quarter of the year 1848. That was a year which was unfortunately distinguished by the calamity of the great famine in Ireland—by a very great want of food in this country—by a commercial convulsion, and by other disastrous circumstances, which fully account for the great increase in the poor-rates of that year. But I should hardly have thought that the hon. Gentleman would have selected that as a peculiar year of calamity, because his argument is, that a high price of corn is almost synonymous with a happy condition of the labouring classes. The year 1847 has been distinguished from almost every year for the last twenty or twenty-five years, as being remarkable for the high price of corn that then prevailed, so that the very instance which the hon. Gentleman gives us, instead of being an argument in favour, is a conclusive argument against his Motion, because it shows the calamity was caused by a high price of food, and he says, if you give me a Committee on the state of the nation, I will show you how you may always ensure a high price of food. A more complete fallacy than that involved in the hon. Gentleman's argument can hardly be conceived. With respect to some later intelligence which is found in official returns which I happen to have received from my right hon. Friend the First Poor Law Commissioner, I beg to inform the House that the state of the country since that return was made up, to Lady-day, 1848, shows an improvement among those persons who seek refuge in the poorhouse, or receive outdoor relief from the poor-rates. These returns are not sent faulty. They have been audited; and I find that there are returns from 106 unions for the year ending Lady-day, 1849, from which it appears that there has been a decreased expenditure in eighty-seven unions, and an increase in only nineteen; and of these only about twelve are purely agricultural unions. So that, as far as these returns go, we have every reason to think that there is an improvement, and not a falling-off, in the condition of the agricultural classes. Then, with respect to the expenditure—the expenditure of these unions in the year ending Lady-day, 1848, was 860,870*l.*; in the year ending Lady-day, 1849, only 799,151*l.* So that, by having somewhat later intelligence than the hon. Gentleman, I am enabled, in some respects, to throw a more cheering light upon those circumstances which he appears to think so very dark and gloomy. With respect to the counties, I will read the names of those in which the returns from the unions show a decrease of expenditure, and not one of them an increase. They are—Bedford, Bucks, Devon, Dorset, Essex, Gloucester, Huntingdon, Lincoln, Norfolk, Northampton, Somerset, Southampton, Suffolk, Sussex, and Wilts; almost all of them agricultural counties, and many of them remarkable for being those in which poor relief has been carried to the greatest extent. But I will take the unions in one county only, and giving a return which is still later than these, state to the House with regard to the six unions in the county of Bedford, what has been the result as to the number of persons receiving indoor and the number receiving outdoor relief. In the midsummer quarter, 1848, the number receiving indoor was 1,007; 1849, 901. The expense of outdoor relief, 1848, 582*l.*; 1849, 543*l.* So that, so far from the state of the country having become worse (as the hon. Gentleman supposes), it has, according to the latest official accounts we have received, been improved. Now, I do not mean by this to say that there is not considerable distress in some of the agricultural districts; but I think those who heard the speech of the hon. Gentleman, and whose memory carries them back to that time, will remember that in 1836, to which he refers, and in various other years, we have been asked to appoint Agricultural Committees in consequence of the number of petitions relating to agricultural distress; and those petitions were constantly founded upon the very low price of corn, and the statement that with those prices it was impossible for the farmer to obtain a remunerative return for his produce. So that it cannot be said that the present distress is the consequence of the introduction of free trade, and the complete abolition of the corn law. But I can well understand that there may be a period at which it is advisable to impose a moderate duty upon corn; and I have no hesitation in saying that I think that true as the principles of free trade are, undoubted as are the principles laid down by Adam Smith, yet when a nation has been some time living under laws which induce men to expect a higher price than their articles will naturally fetch, it may then be wise to make a change gradually, to depart from your high and excessive protection, and give a moderate fixed duty upon corn, as the means at once of enabling the people to obtain their corn cheaper, and at the same time making the transition for the agricultural interest less abrupt. But was no such proposal ever made? Is the proposal for a moderate fixed duty thought of by the right hon. Gentleman the Member for Stamford for the first time? And what was the way in which that proposition was received? Why, when it would have been a wise proposition when the people of this country, who were asking for a change of the corn law, would have considered it a generous and spontaneous concession—when it would at once have lowered the price generally of food to the people, and have enabled the agriculturist to prepare for those further changes which the laws of economical science would finally have required—I say when it might have been, and as I believe would have been, a wise change, then there was the most violent, the most clamorous, the most pertinacious opposition to it. But now, when the corn laws have been utterly abolished—when the people of this country have the satisfaction of knowing that no law interposes in the way of their obtaining the articles of their subsistence at the cheapest price at which commerce, trade, and agriculture can bring them to them—when they have already tasted the fruits of that liberty of commerce—when they are contented with the Legislature because the Legislature has given them this benefit, and taken away all the shackles to that trade, then when it would be utterly unwise—then when it would be almost madness to attempt the imposition of a duty, that is the time when hon. Gentlemen who treated this proposition with the utmost scorn at a former period, come down and make the proposition to the House. It is certainly a singular thing, that having asked two great interests, the agricultural and the West Indian colonial interest, to agree to a duty of 8*s.* upon corn, and 12*s.* upon foreign sugar, I should have heard on the part of those who pride themselves on being the protectionists in this House, and who wish to restore protection, a proposal in the year 1848 for a temporary duty of 10*s.* upon sugar, and that in the year 1849 I should see petitions presented and a Motion made for "a moderate fixed duty upon corn." I cannot say that their adoption now of a proposition very much resembling those made in former days, favours the opinion that they suit their propositions to the circumstances. At the former period, these propositions would have been carried into effect if they had consented to them, with very great majorities—almost with unanimity; but then nothing would induce them to hear of such a proposition. Now, when as I must say, I think there is scarcely a chance of success, and when their success would, as I believe, be far more fatal to their political influence than the utter rejection of their proposition, that is the time in which they think it wise and statesmanlike to make the proposal. I have stated with regard to the agricultural interest, and especially to that return upon which the hon. Gentleman relied, that there are well-founded reasons, from returns equally official, of a later date, to think that there are better prospects for the labouring classes than he represents. Now, with regard to our manufacturing interests, my right hon. Friend quoted some of the returns of the first four months of the year; since that time there have been produced to the House an account of our exports for the first five months—to June of this year. It appears, taking the cotton manufacturers, the linen, the silk, the woollen (the four great branches), that these are the results :—

	lbs.
Exports of cotton manufactured in yarn in the first five months in the year 1848	8,716,000
Ditto in 1849	10,113,000
Linen manufactured, and in yarn exported, during the first five months of the year 1848	1,373,000
Ditto in 1849	1,523,000
Exports of manufactured silk in the first five months of the year 1848	184,000
Ditto in the year 1849, notwithstanding the circumstances which have been mentioned as calculated to diminish the export...	232,000
Wool manufactured and in yarn, exported during the past five months of the year 1848	2,274,000
Ditto in 1849	2,695,000

Showing a very considerable increase in each of those great articles of our manufacture. The noble Marquess opposite accounts for any increase there may be by saying that the demand at home has fallen off, and that the manufacturers have nothing for it but to send out goods abroad. Why, certainly the explanation is convenient; but I think it would hardly do that we should year after year be lamenting over the increase of our manufactures, and saying, "Here is an increase of 3,000,000*l.* or 4,000,000*l.* this year—how very bad the home market must be. It is quite evident, from the great export of our manufactures, that poor people at home are unable to consume them." [The Marquess of GRANBY: I said there was a great diminution in value.] Well, I should certainly proceed upon the inference, if there is a very considerable increase in the export of our manufactures, that they are in a better state than in the commencement of 1848, and making some progress towards a flourishing condition; and that inference is, as I believe, confirmed by the accounts received from all parts of the country, and by the official letters of persons employed in the different branches of the Administration, written from the chief seats of our manufactures. So that it appears, that with respect to the agricultural interest—although certain portions of that interest are distressed—there is an improvement in regard to the number of persons seeking relief from the poor-rates, and that with respect to our manufacturing interests, there is a considerable revival of demand, and an increased activity in the main branches of manufacture. And I think we are not justified—I am glad in saying we are not justified—in holding that desponding opinion which the hon. Member for Buckinghamshire would induce us to hold upon this most important subject. There is another point to which I wish to call the attention of the House—though at this late hour I will not read the figures—and that is, the very great increase of consumption in some of the main articles consumed by the people of this country. From 1842 to 1848, there was an increase in the consumption of coffee of 30 per cent; of sugar, 60 per cent; of tea, 24; of cocoa, 30; of currants, 93; of raisins, 22; and of cotton, as computed to have been consumed in goods at home, of 35 per cent. So that we have an increase in the consumption of those articles which are in most general use amongst the lower classes of the people of this country far exceeding any increase in the amount of the population. There is another point to which also I wish to call attention, because I think it applies not only to the Motion of the hon. Gentleman the Member for Buckinghamshire, who would induce us to take such gloomy views upon the subject, but also to the language used by my hon. Friend the Member for Montrose, who would fain induce us to think that the people were continually becoming worse in condition, and daily finding it more and more difficult to obtain the articles of ordinary consumption. With respect to wheat in 1818, the average price was 98*s.*; in 1828, 60*s.* 5*d.*; in 1838, 64*s.* 7*d.*; in 1848, 50*s.* 6*d.* If I take the prices of some of those colonial articles to which I have just adverted, taking, of course, into account the diminution of duty applying to many of them, I find the following were the prices in 1818, 1828, 1838, and 1848 :—

ARTICLES.	1818.		1828.		1838.			1848.		
	£	*s.*	£	*s.*	£	*s.*	*d.*	£	*s.*	*d.*
Coffee, per cwt......	12	2	8	17	7	6	0	5	17	0
Sugar „	4	0	3	5	3	1	0	1	18	0
Tea, Congou, per lb.	0	6	0	5	0	4	3	0	3	1½
Rice, per cwt	2	13	1	16	1	14	0	0	16	0

In the raw materials of manufacture there has been a progressive reduction in the prices, duty paid, of the same given quantity, as the figures before me will show:—

ARTICLES.	1818.			1828.			1838.			1848.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
Cotton wool—Bowed Georgia, per lb...	0	1	6	0	0	7	0	0	7	0	0	4¼
Flax, per ton..	70	0	0	36	0	0	35	0	0	32	0	0
Hemp, per ton	49	0	0	43	10	0	30	0	0	28	10	0
Wool, Spanish, per lb.	0	6	6	0	3	3	0	2	8	0	1	10

Cotton yarn, in 1815, 5*s.*; 1848, 9*d.* per lb. Similar reductions to these have taken place in the price of leather, which is likewise a great article of consumption amongst the poorer classes of our people. Now, although great reduction in the prices of these articles of consumption might be supposed to show an increase in the comforts of the people, the proof is objected to on this ground. My hon. Friend the Member for Montrose and others say that there is a similar amount of taxation to what there was in former years. I own I consider that that which this House would most naturally look to is, whether the people have the enjoyment of articles of general consumption in greater quantities than they had before. Now, taking any article, such as sugar, you may find that the duty has been recovering in some degree the effect of the diminution that has been made. But if you find that the people obtain 300,000 tons of sugar at the price at which they obtained 200,000 tons twelve years ago, that, I think, is a proof that they have greater means of enjoyment; and although they may lay out as much money as formerly in the purchase of this article, yet the proof that they have half as much sugar again as they had is a proof that they are better off, and that they are in the enjoyment of a larger share of the comforts of life. I do not like, after the speech of my right hon. Friend the Member for Tamworth, and at this late hour, to go further into these details. But there are one or two questions on which the hon. Gentleman the Member for Buckinghamshire has touched which the Chancellor of the Exchequer did not advert to, and which did not come within the scope of the speech of my right hon. Friend the Member for Tamworth. Sir, I do feel that I am bound generally to say, with regard to the Ministry of which I have the honour to be the head, that the difficulties that we have found in our way have been very great, and that we have not shrunk from meeting them, and encountering them with the best remedies that we could devise. Sir, in the year 1847, there was a great commercial convulsion. There were great doubts whether our currency could stand the shock to which it was exposed. We met it by a measure undertaken upon our own responsibility, which was afterwards unanimously approved by this House on the Motion of the right hon. Gentleman the Member for Stamford. That measure has not been followed by the evil consequences which were predicted. I remember an hon. Gentleman opposite—[Mr. SPOONER: Hear, hear!] — accompanying a deputation to me, and when I mentioned that gold was coming into the Bank, the hon. Gentleman rebuked my foolish hopes and presumption, and said, "If you think that gold will remain in the Bank, you are very much mistaken. It will go into the country, and you will have no benefit whatsoever from it." Such were the predictions which the hon. Gentleman pronounced. Such were the predictions of the results on the measures we took for the restoration of confidence; but we adhered to it, and it was successful, and, without risk or danger, it brought us through this period of very considerable difficulty to the commercial classes of this country. I remember that some merchants of this city of London said, that I had no despondency on that subject. I thought it not right to express any. I thought that the enterprise of the merchants of this city would carry us through the difficulty; and as I saw no reason for despondency, I declared openly that I believed there was none. In the course of last year the convulsions of the Continent excited the hopes of some very guilty men in this country who have since been convicted. It was necessary that we should take measures for preserving the peace of this country. We relied on the great body of the people being strongly attached to the constitution and to the Sovereign of this country. Sir, we were not deceived in that confidence; and it will always be a matter of pride to me that I had the honour to be one of the Government of this country on that occasion. Another subject to which an hon. Gentleman has referred at considerable length, but upon which I need not follow him, having frequently spoken on that subject, was with respect to the famine in Ireland. I am far from pretending that the measures we took could stop a famine of that kind. It was impossible that we should be able to do so, or that any system of public works could be entirely satisfactory. But I do not think it is a very fair matter of reproach from a native of Ireland and an Irish representative to say that the Government has been too lavish in proposing to this House to exert the energies of this country in endeavouring to relieve the disasters of that country. With respect to the other dangers of Ireland, there, as in England, the energy shown by the Lord Lieutenant has saved Ireland from great calamities. The danger having passed away may be laughed at now; but there was a very extensive conspiracy, and one which might have disturbed the peace of that country, and cost many lives. There were considerable dangers in the course of the three years in which we have been in office, in dealing with which we have shown no hesitation, and I trust no want of courage. The hon. Member for Buckinghamshire has adverted to our foreign policy; but on that subject instead of proving any crime or negligence on our part, he did but repeat that common and vulgar accusation which is made against us, that we have been everywhere stirring up insurrection and fomenting revolution. I repeat that this assertion is utterly baseless and unfounded, and that there is no ground for that imputation. The Governments upon the Continent, being in ignorance probably of the feelings of the people about them, and not having provided by due and timely concession for the rights of their subjects, were astonished at the revolutions which broke out. I do not conceal my opinion on this subject, or my sympathy with the toast of "Civil and religious liberty all over the world." That is my feeling; but we should not be justified in interference in these countries without the greatest and most overflowing necessity on the part of this country. During this whole period our course has been to keep aloof from the greater part of these transactions, to preserve quiet and tranquillity at home, and to be ready to use our influence with foreign countries, but not being disposed to interfere in those contests which are taking place there. Sir, there is another part of our policy, and that is, amid all the changes of the Government in France, we have thought it right to preserve the most friendly relations with that country; and I must say that the preservation of those friendly relations has enabled the varying Governments of France to preserve a tone of moderation which they would with difficulty have kept if they could have said that England was hostile to them and to their rights. Sir, I am still of opinion that the intimate union of France with this country tends to preserve the peace of Europe and the world. And although we have not agreed with the French Government in every step which they have taken, and although we have not given our concurrence with them in every one of their measures, we have no reason to suspect their intentions or their honour, with regard to the pacification of other countries, and we see no design on their part to violate the treaties by which the peace of Europe has been so long preserved. With regard to the Motion of the hon. Member for Buckinghamshire, he says, that if you look to the three years during which the Government have been in office, you will find that we have no longer the same peace abroad, that we have an unparalleled amount of suffering at home, and that we have a great famine in Ireland, in consequence of which numbers are suffering extreme distress at the present moment. But when he proceeds from this to lay these charges as matters of blame upon the Government, without reasoning on his allegations, I claim the verdict of the House upon these points. I do not ask them to say that they approve of all the measures we have taken, but I ask them not to lay upon us the blame or the results of calamities which it was impossible for any Government to have prevented. These are calamities which it has pleased Divine Providence to bring upon portions of this country. They may be, as I trust, and as I hope they will be, the commencement of an altered and of a better system. An ancient poet, speaking with that mixture of fable which was common in his time, said—

> "Jupiter hic risit, tempestatesque serenæ
> Riserunt omnes visu Jovis omnipotentis."

We, the followers of a better and purer faith, believe that these are scourges sent to us to effect an ultimate purpose of good, to stimulate us to fresh efforts, to induce us by no means to despair, and not to rely in idle confidence that if we do not make efforts for our own improvement, blessings will be showered upon us. But if we do behave in this spirit of energy and hope—if we continue in a system of policy which I believe to be wise—if we continue giving an example to other nations of liberty united with order, I hope that the blessing of Almighty Providence will rest on these kingdoms, and that, although our measures may have had no part in this result, yet that the energy, the constancy, the piety, and the virtue of this nation may meet with their reward.

Mr. MUNTZ said, that he could assure the House he had no intention whatever to inflict a speech upon them at that early hour of the morning; but as the right hon. Baronet the Member for Tamworth had made such very particular remarks upon a speech which he had delivered there some four or five months ago, he thought they would allow him a few minutes' time, that he might recall to their recollection what he really did say. The right hon. Baronet had said that he never should forget the speech made by the hon. Member for Birmingham, upon the state of the trade of that town. Well, but it was quite clear that the right hon. Baronet had already forgotten the speech, for he (Mr. Muntz) had far too high an opinion of him to believe that if he had not done so, he would have misrepresented him so grossly. He had no opportunity of referring to *Hansard* as to what he was reported to have said; but as he never stated anything except he either knew it to be true himself, or had the authority for its being so from others, he was confident that he had never stated, as had been represented by the right hon. Baronet, that the Birmingham manufacturers could not sell any of their articles in competition with the German makers, even in their own town. Now, what he had said was, that so great was the competition between the Birmingham and foreign manufacturers, that the prices and profits were so low as not to cover the trouble and risk of a foreign merchant, and that, in consequence, he contemplated relinquishing his foreign trade — that even in many articles the foreigner undersold the Birmingham dealers in their own town, and that several of the trades had been altogether lost to them in the foreign markets. He had read to the House a letter from a glass maker, and one from a button maker, stating that the competition had left them no profit; and he had also read an advertisement from a Birmingham paper, offering certain German goods 40 per cent lower than English goods. It would be recollected by the right hon. Member for Tamworth, that the hon. Member for Manchester cried out, that it was only a puff; to which he (Mr. Muntz) replied, that he knew no more than he had seen in the paper, but that he saw no use in such a puff, and that he believed the person who had advertised was too respectable for any such proceeding. But, now, what was the fact? On the day following his speech he received a letter from the advertiser, informing him that the whole was a fact; and that if he (Mr. Muntz) would call upon him the following day, he would show him the articles, and, as the agent of the German house would be at his shop at a certain hour with his patterns, he would be able to judge for himself. He went at the appointed hour and saw the goods, the patterns, and the agent. The goods, on comparing them with the English goods of the same kind, were quite as well made, more substantial, and full 40 per cent cheaper. The pattern cards were excellently made up, and the shopkeeper then gave another order to the foreign merchant. It would be recollected by the House that his Friend and Colleague had doubted the correctness of the advertisement, because he thought we beat the foreigners in the third (American) market; but he (Mr. Muntz) had just at the time met with Mr. Van Wart, of Birmingham, a gentleman very largely engaged in the American trade, who had assured him that he had seen the German goods in question, and that they were fully equal in make to the English—that they were always 40 per cent cheaper—and that he had, within two years, seen the same make of goods selling extensively by the German houses in America. The gentleman he alluded to was well known to the two hon. Members for South Lancashire, and they were well aware of his capability of judging upon the matter. Several persons who were very much annoyed at these facts being made public, in opposition to their theories, endeavoured to show that the steel of which the goods were made was inferior to that used by the English makers. But, admitting this to be true, it availed nothing, for the size and make of the goods being admitted to be equal, or superior, to that of the English goods, the difference in the cost, whether made of common or best steel, could not exceed more than $2\frac{1}{2}$ to 5 per cent on the goods when made, against the 40 per cent saving in prices. As to competition in these markets, he knew that it was daily increasing, and only within the last few days he had met a man lately returned from Bombay, who assured him that there were now three German houses established there, who were selling German goods in competition with English goods. With respect to the return referred to by the right hon. Baronet, he was well aware how small was the proportion of the imports to the exports; but he begged leave to remind the House, that only a small amount of articles was sufficient to cause the reduction in the prices of very much larger quantities; also, that the return of exports did not confine itself to Birmingham goods, but included all articles in metal and cutlery made for exports in the kingdom; and cutlery, which formed a very large proportion of it, was not made in Birmingham. Then, although the import of articles such as made in Birmingham was comparatively small with the exports, it would be found that there were 1,700*l.* worth imported before the reduction of the duties by the right hon. Baronet; there were 17,000*l.* worth now. He could only repeat what he had formerly said, that the state of Birmingham was very unsatisfactory, that many were unemployed, and of those who had work many had short time and greatly reduced wages, and that, although prices had been greatly reduced, it was quite as much as manufacturers could do, and, in some instances, more than they could do, to keep foreigners out of their home market. As to the neighbouring iron trade, he believed it never was worse than now, if ever as bad; some said it was only owing to the stoppage of railway schemes. ["Hear, hear!"] Well, that might be partly true; but let it be recollected that when he, some years ago, at a time of temporary prosperity, stated that it principally arose from railway speculation, and that it would disappear with such cause, he was contradicted; and it was hardly fair to blow hot and cold—either there was an effect then produced by railways, or there is not now. But with respect to the prosperous condition of Birmingham, attempted to be inferred by this Parliamentary return, if it really were so, why did the Chancellor of the Exchequer except Birmingham in his prosperity speech on Monday? or, what is more remarkable, why did the right hon. Baronet just now give us Chippenham, Nottingham, and Dundee, as proofs of the great prosperity; why did he jump so clean over Birmingham in passing? Was it so unimportant as not to bear comparisan with the towns given? It was not so far from the right hon. Baronet's country residence as to make it very inconvenient to obtain the desired information. He (Mr. Muntz) thought it probable that Birmingham had been applied to in both instances; he would not say positively that such was the case; but it was fair to presume, looking at the great importance of the town, that due inquiry had been made, but that the answers did not suit. He would conclude by stating his inability to congratulate the Chancellor of the Exchequer either upon his budget or upon his present revenue account; they were much what he had expected under the circumstances, and he had no doubt that they would still be much worse—low prices would never pay high taxes. He had not said that free trade had caused the distress; but he had said, and he now said, that free trade with the present money laws had caused it. [*Laughter.*] They were all very welcome to laugh away; but he would put a question to them, which, if they could answer, he should consider much more important than their laughter, and it was this—Why, if we have free import and free export of all produce, with the same prices of gold and silver which we had in 1775, should we not have the same prices and wages as existed in 1775? In his opinion, that was the necessary result; and if they persisted in their present plans, and did not arrive at it, they might blame him as much as they pleased.

MR. DISRAELI rose to reply: Sir, when I brought this Motion, to take into consideration the state of the nation, before the notice of the House, I founded that part of the argument which may be called the economic portion, on the most authentic and latest information which we had upon the condition of the people, and which had been afforded us by the officers of the Government. And now the noble Lord (Lord J. Russell) who has just addressed you, speaks in a depreciating tone of my quoting, as the basis of my argument, "some returns of no very recent date." Who could suppose that the noble Lord was speaking of the last official report of the President of the Poor Law Board, and which has only been placed within a few weeks on the table of the House by Her Majesty's Government? That report is the only authentic evidence to which we can refer; and if its date, carried up to Lady-day, 1848, be comparatively no very recent date, whose fault is it that we have not later information? Who placed this document on the table during the present Session? It appears by that record—the last official record of the pauperism of the country—that the ablebodied paupers during the last three years had increased seventy-four per cent, and the Chancellor of the Exchequer to meet this statement, the accuracy of which no one has for a moment impugned, refers to certain letters which he has received from certain manufacturing districts, announcing that in those districts the severity of the pauper pressure has recently been mitigated. I thought that at the time a somewhat singular process for a Minister to have recourse to. Gentlemen must be aware that references to private correspondence on a subject of public and general interest, gives such an opening to lax and unsatisfactory statements, that it is only under peculiar circumstances—limited usually to the locality which a Member represents—that the right to introduce them in debate can be recognised. Undoubtedly, Ministers of the Crown have means of information not accessible to all, and sources of a more novel character than we can command; and with such means at his service, the right hon. Gentleman, for example, has applied to the Commissioners of the Savings Banks as a test of the condition of the people; and he has furnished the House with one or two instances in this respect. Now, really, if it occurred to the right hon. Gentleman to apply to the Commissioners of the Savings Banks for information, I am at a loss to understand why it had not also suggested itself to him to apply to the President of the Poor Law Board for the same object. If my information as to the state of pauperism, however authentic, is not of a date recent enough to satisfy Her Majesty's Ministers, was it not their duty to furnish themselves with some more novel? If it existed, they had it at command: if it were not produced, the only inference could be that it was not unfavourable to my argument. No one doubted—I myself commenced by the admission—that since the last return of the Poor Law Board, there was, probably, some alleviation in the pauperism of our manufacturing districts; that is, since Lady-day, 1848. We should, indeed, be in a woful position, if that were not the case. But since that period, that agricultural pressure has occurred, which has produced that effect on the unions of the rural counties which my hon. Friend the Member for Kent detailed. With some alleviation in the manufacturing districts, and considerable aggravation in the agricultural, the fair inference is, that in the interval the general result has not been changed for the better. And if the Chancellor of the Exchequer chose to have recourse to other sources of information than those before the House, he should have been impartial in his researches; he should have favoured us with some information of the state of the rural districts, as well as of the manufacturing. And, indeed, I have been expecting something of this sort from the President of the Poor Law Board. He is peculiarly qualified for taking part in this debate. He is a sort of double-barrelled gun upon the subject; he might have enlightened us not only on the state of pauperism in general, but on that of the port of Hull in particular. But after a considerable lapse of time, after two days, unfortunately not spent in the discussion of this subject, and scarcely in a very profitable manner, up rises the First Minister of the Crown, and comes forward in a high statistical character—a character, however, in which, I may be permitted to say, he has been scarcely as eminent as some which his genius enables him to fill. The noble Lord comes forward with manuscript returns of the state of pauperism in England—returns of a more recent date, to use his own phrase, than any that a mere Member of Parliament can refer to. And what do these returns amount in quantity to? They are the returns of 87 unions: 16 of which only are agricultural, or partially so, and they show a diminution of pauperism since the last official date. Why, there are 652 unions in England; and a considerable portion of the country is not yet even formed into unions, though their condition is accessible to the President of the Poor Law Board. If the noble Lord wished to establish a case by travelling out of the range of the official documents before the House, he was bound to pursue his investigation further and more widely. After all these official researches, the noble Lord favours the House with a more recent return of the state of actually sixteen agricultural unions. Statistical inquiry has seldom produced a shorter harvest. When the Chancellor of the Exchequer commenced his reply to me, the machinery at first seemed hardly to move rightly. He rose after some interval, and seemed to be looking for an antagonist. At last he found me. Where? At Drury Lane Theatre. His comments upon some speeches not made in this House, have formed a considerable portion of his reply. Really if he wishes to answer speeches made at Drury Lane, he should himself appear upon those boards. Several distinguished characters on both sides of the House have figured there; and I doubt not if the Chancellor of the Exchequer were to follow their example, and were properly advertised, he might draw a house. After having answered the speeches that were made at Drury Lane, the right hon. Gentleman addressed himself to business, and proceeded with the argument which he had prepared in answer to my anticipated statement. But, unfortunately, my anticipated statement was not the one which I made. The theme of the right hon. Gentleman was that this country was more prosperous in 1848 than in 1847. Well, generally progressive as I think the decline of the country, I can afford to make this concession to the Chancellor of the Exchequer. I admit that even at this moment we may be considered to be in a better condition than we were in 1847. The argument which I placed before the House was not founded on that year. I took the year 1845 as illustrative of the state of the country before certain great changes took place in your laws, and I contrasted that state with the state of the country at the present time when we had had three years' experience of those great changes. I did not require the year 1847 for my argument, and had I required it, I am not sure that I should have referred to it. I wish in debate not only to be fair, but courteous. Every one has some subject which it is not pleasant to allude to, and which well-bred people carefully avoid. I was therefore not particularly anxious to go out of my way to remind the Government of the year 1847, when, principally under the advice of the right hon. Gentleman, they ruined most of the bankers and merchants of the city of London. Why should I have done anything so gratuitously unkind? The noble Lord, however, as if desperately resolved to encounter an inevitable difficulty, did observe that there was one topic which his right hon. Colleague had not dwelt on, namely, the policy of the Government with respect to the maintenance of the Bank Charter. And therefore I may now just observe, that although I did myself omit that subject in the bill of indictment, it was not because I thought, that even in the year 1849, the conduct of Her Majesty's Ministers in that particular was one which proffered a great claim to public confidence. The Chancellor of the Exchequer then proceeded to notice an argument of mine, as to the comparative value of our exports, and after a great many desultory observations, wound up his criticism by honestly and candidly admitting that he could not understand it; which was at least candid. The right hon. Gentleman said, that as he had shown us that wages were not diminished, and as I myself had admitted that the raw material was higher in price, the inevitable inference was one which he could hardly suppose would be seriously maintained, namely, that manufacturers would manufacture without obtaining a profit. And he was loudly cheered by Gentlemen around him, with that derisive cheer which would not only sustain the orator who speaks, but would wound the orator who has spoken. And yet, Sir, I remember the time not very far distant, when manufacturer after manufacturer used to rise in this House, complaining of their condition; and when we referred to the exports as an indication of their possible prosperity, they used to tell us, that, for years, they had been manufacturing without any profit whatever. We were then told, that nothing was so deceptive as our exports, and when we reproached them with their prosperity, they declared that our foreign trade in 1841, was even carried on at a loss. After this, the right hon. Gentleman the Chancellor of the Exchequer delivered himself of a quantity of statistics What point they were intended to establish; by what chain of ratiocination they were bound together; to what system of investigation they had been submitted before they were brought forward to illuminate our convictions, I am at a loss to understand. I can only compare the process with a scene that we have sometimes witnessed at a rural fair, where a conjuror will, for three hours together, draw out of his mouth a quantity of red tape. Late as the hour is, I must throw myself on the indulgence of the House, and, in some degree, avail myself of my privilege of reply. The House need not, I am sure, be reminded that this debate, important and expedient as it has been admitted on all hands, has been, from circumstances over which I had no control, somewhat precipitated, and that I have consequently been deprived of the assistance of many Gentlemen in this House, who would have ably supported in detail many points to which I was necessarily obliged only very cursorily to allude. I trust, therefore, I may be excused, if I touch for a few minutes on one speech, which dwelt very considerably on the observations which I made. The right hon.

Gentleman the Member for Tamworth, in rising to-night, announced to the House that to-night he was going to introduce a new plan of debating, as one more fair and satisfactory, I presume, than that which he has hitherto pursued, namely, to state many arguments, each separately, as nearly as he could, in the words in which it was conveyed, and then to give that which appeared to him to be the answer to it; and, having obtained apparently the sympathetic permission of the House to pursue this satisfactory system of discussion, the right hon. Gentleman, instead of refuting my observations, paragraph by paragraph, as we were promised, went off immediately to Drury Lane Theatre also. There, instead of replying to me, the right hon. Gentleman entered into the glove trade, which I had never even mentioned; and he only escaped from this scene, and this subject, not to refute me, but to indulge in one of his favourite criticisms on the dogmas of the hon. Member for Birmingham, and the state of the trade of the town which he represents. At length, the right hon. Gentleman condescended to remember his engagement, and attacked my heresies respecting exports. But my opinions, however heterodox, were not new, according to the right hon. Gentleman. If I had only been in Parliament when Mr. Alderman Waithman was a Member of it, I should have heard precisely the same opinions. Now, though I was not in the House with the worthy Alderman, who, by the by, was a distinguished Liberal, I think I am not quite unacquainted with the often-expressed opinions of Alderman Waithman on our foreign trade. The position of Alderman Waithman was this—he was in the habit of comparing the official and the declared or real values of our exports. He found the first, for example, was 130,000,000*l.*, and the real value only 50,000,000*l.* He measured the depreciation of the reward of British labour by the difference between the two sums; and any thing more absurd was probably never promulgated in this House. Mr. Alderman Waithman never took into his calculation the various circumstances which, for nearly two centuries, the date of our official values, had been gradually lessening the cost of production. But did I do this? What did I say? I said, that between the two periods which I compared in my argument—namely, the years 1845 and 1848 — our exports had fallen off 7,000,000*l.* in declared value, and, as I maintained, in consequence of your legislation, and that, although there had occurred, during the first four months of this year what is called a "revival of trade," and our exports had rallied in amount, that amount had been obtained by English workmen submitting to a depreciation of price greater even than the excess of exports during the period. I was careful to remind the House, moreover, that this depreciation could not be produced by any legitimate reduction in the cost of production, because the raw material was absolutely higher in the first four months of 1848 than it was during the first four months of 1849. The only inference that can be drawn is, that the English artisan obtains his foreign products under the new system, by giving more of his labour in exchange than heretofore. So much for the similarity between my opinions and those of Alderman Waithman. The right hon. Gentleman then said, that I complained that my argument in favour of commercial reciprocity, often urged, had never been fairly met; and the right hon. Gentleman, as far as he was concerned, attributed that circumstance to the lateness of the hour at which he generally spoke, and the abstruse character of the subject to be treated under such circumstances. If the right hon. Gentleman has felt the lateness of the hour a difficulty in treating the subject, what must be my situation, rising to reply to him at two o'clock in the morning? Nevertheless, I trust to the generosity of the House to permit me not to leave the observations of the right hon. Gentleman on this head altogether unanswered. The right hon. Gentleman asks me whether I would encounter the hostile tariff of America by a countervailing duty on raw cotton, to the injury of our own manufactures? The right hon. Gentleman will pardon me if I observe, that he scarcely appears to have condescended to have made himself acquainted with the principles of the reciprocity system. The reciprocity system does not countenance countervailing duties on raw materials. The fallacy of the right hon. Gentleman on this head appears to me his confounding raw materials and provisions. A countervailing duty on the raw material — American cotton, for instance—would place the foreign manufacturer who did not pay that duty in a superior position to the English manufacturer. Therefore, the reciprocity system, the object of which is to maintain the efficiency of British labour, does not authorise a countervailing duty on raw materials imported for reproduction; but countervailing duties on corn and provisions come under quite a different head. A duty on the raw material renders British labour less efficient; a duty on corn, on the contrary, would protect British labour, and maintain its exchangeable value. And it has always appeared to me, Sir, a very great mistake in the Manchester school, that when they succeeded in obtaining a repeal of the duty on cotton, they did not advocate a duty on corn, because, by giving a premium to the production of corn in the United States, they have restricted their supply of the raw material of their manufacture. The right hon. Gentleman seems very indignant with the Poor Law Commissioners for publishing, in their annual report, a table which shows that during seven years when the price of wheat was highest, a less sum by 200,000*l.* was expended in support of pauperism, than in other seven years when the price of wheat was lowest. The right hon. Gentleman does not, however, dispute the fact. He only meets the inference drawn from it, by a suggestion that the years of high and low prices are not continuous years, and that in a year of low prices following a year of high prices, the country may suffer from the preceding pressure. But this argument will hardly help the right hon. Gentleman out of the difficulty; for the average price of the whole fourteen years is certainly not excessive. It is only 56*s.* The right hon. Gentleman, then, not satisfied with finding fault with the Poor Law Commissioners for publishing the official facts that came before them, then fell foul of a Tithe Commissioner—no less a person than Professor Jones—whose work I had quoted to illustrate the extent and influence of what is called the home market. Professor Jones lays down, that in unremunerative times—periods of pressure, the farmers will reduce their cost of production 25 per cent, and that this reduction of the cost of production in due time exercises a relative degree of influence on their amount of produce; and it is this withdrawal of 25 per cent of their exchangeable surplus that occasions the distress caused by a depressed home market. The right hon. Gentleman says that he is surprised that Professor Jones should be an advocate of high prices. Professor Jones gave no opinion on high or low prices. He stated a certain economical law, the consequences of which it is in vain to shut our eyes to, and the accuracy of which no one will venture to impugn. My right hon. Friend the Member for Stamford (Mr. Herries) was the next individual who fell under the right hon. Gentlemen's criticism; in consequence of a Motion of which the Member for Stamford had given notice, not of any opinion which he had expressed in this debate; as if that Motion had aught to do with the question which we are now discussing. Now, Sir, I will give the reasons for my right hon. Friend giving notice of that Motion. It was only this day, when my right hon. Friend examined the balance-sheet of the Treasury, that he felt that notice should be lost in bringing our financial state before the consideration of the House, in order that the country might see that there were yet some means of ascertaining the fatal crisis which was approaching, and that the dividends might be secured to the public creditor. It was altogether a financial movement. No one even dreamed of proposing a 5*s.* duty as a protection to native industry. As the right hon. Gentleman the Member for Tamworth says, that would indeed be a paltry thing. And yet paltry as it may now appear, there was a time when a moderate fixed duty on corn was not considered altogether a paltry subject, but one on which a few years back the most eminent men in the country felt themselves justified to agitate England to its centre. Paltry as it is, it was a question which destroyed the Government of the noble Lord, and returned upon the shoulders of the people of England a body of Gentlemen who might have been governing the country at the present moment, had they not suddenly discovered that the object for which they struggled, and the end they laboured to achieve, was, instead of a patriotic, after all, only a paltry one. And truly when the noble Lord the First Minister, who is proud of his supporters on this side, taunts us with so much acerbity, I think he might just recollect by whose advice and under whose influence we refused to accept that settlement of a question which perhaps might have prevented much of the evil experienced by the country at the present moment. And here I must say, with all respect to the right hon. Baronet, that there is something in his manner when he addresses on these subjects his former companions, which I will not say is annoying, but rather I would style somewhat astonishing. One would almost imagine, from the tone of the right hon. Gentleman, that he had never, for a moment, held other opinions on this subject—that he had never entertained a doubt upon it—that he had been born an infant Hercules, cradled in political economy, and only created to strangle the twin serpents of protection and monopoly. He speaks with a sneer of those who think that the principle of buying in the cheapest and selling in the dearest market, is a new principle invented by the Manchester school. I say the Manchester school. I have a right to use that phrase, for I gave them that name. I gave it them with all respect; I thought it a homage due to their deleterious, but well-disciplined, doctrines. But the hon. Baronent says we are all in error in assuming this principle to be a new one, and he opens a book and shows an hon. Member the celebrated petition of the merchants of London, and refers to this document and to the names of Adam Smith, Mr. Say, and David Hume, as authorities both for the principle and the phrase. The right hon. Gentleman mistakes us. We admit fully the comparative antiquity of the dogma: what surprises us is not the comparative antiquity of the dogma, but the recent conversion of the dogmatist. The right hon. Gentleman should view one's errors at least with charity. He is not exactly the individual who, *ex cathedra*, should lecture us on the principles of political economy. He might, at least, when he denounces our opinions, suppose that in their profession we may perhaps be supported by that strength of conviction which, for nearly forty years, sustained him in those economical errors of which he was the learned and powerful professor. The right hon. Gentleman always speaks of protection as if he had a personal feeling against it. He preaches a crusade against the system of commercial reciprocity. But this is a system which has been upheld by the opinions and illustrated by the writings of men of very great talent in this country, and not connected with our party politics or passions. Men of great scientific research have investigated and illustrated it; and I believe that it will require more time and discussion than it has yet received in this House, before it can be thrown into that limbo of stale opinions in which the right hon. Gentleman has found it convenient to deposit so many of his former convictions. Upon a fair occasion, and not two hours after midnight, I shall be happy to meet the right hon. Gentleman, or any other Member, in calm discussion on the subject. I must repeat, however, the opinions which I expressed on the first night of this debate, that I believe the judicious imposition of countervailing duties will produce abundance and not scarcity, cheapness and not dearness. I hope the House will excuse me if for a moment I am unwilling to quit the field to which I have been challenged by the right hon. Gentleman; but I must, even at the risk of wearying the House, refer to his illustration drawn from the prohibitory tariff of Russia, and our consequent commerce with South America. A countervailing duty on the Russian tariff would check the demand for Russian produce; the necessary consequence of this would be a fall in the value of that produce in the Russian markets. So far, therefore, the effect of a countervailing duty would be to produce diminished price. The fall in the Russian markets would equal the countervailing duty, until in time the English consumer would be enabled to purchase the same quantity of Russian produce at the same cost as before. Here then the ultimate effect would be neither dearness nor scarceness. But how would the countervailing duty act upon our transactions with the Brazils? The fall in Russian produce would enable our merchants to buy the quantity they required with a less amount of sugar and coffee than before. But how would that diminish our markets in the Brazils? England would either send out the same quantity of manufactured goods to that quarter for the same amount of tropical products, and retain the portion no longer required by Russia for her own use; or she would send a less quantity of her goods to purchase the less quantity of tropical produce with which she could now purchase the same quantity of Russian produce as before, and thus obtain a twofold advantage, an enhancement of her own manufactures in the South American market, from their diminished supply, while the difference would be retained for her own use, or for exchange for the commodities of other countries. In every way, the application of the principle of reciprocity would produce its intended effect, the enhancement of the value and efficiency of British labour. But why these attempts to narrow the question before us to a mere commercial issue? It is nothing of the kind. The unsatisfactory state of our commerce is but one count in the indictment which has been proffered to the consideration of the House. It is not upon that one point merely, or principally, that you have to decide to-night. It may be very convenient for those who, month after month—I may say, year after year—have been murmuring opposition to a Government which they have not the courage manfully to oppose; it may be very convenient for those who go whispering about in corners, that our colonial empire is in danger—that our foreign relations are mismanaged; it may be very convenient for such as those now to get up and proclaim, that the only question at issue is a commercial question. It is no such thing. The noble Lord at the head of the Government put it fairly. It is a vote of confidence in a Government, which has now been three years in power, and whose policy, in every branch, has produced certain results. It is a vote of confidence in an empty and exhausted Exchequer. It is a vote of confidence in an endangered colonial empire. It is a vote of confidence in Danish blockades and Sicilian insurrections. It is a vote of confidence in a prostrate and betrayed agriculture. It is a vote of confidence in Irish desolation. Vote for these objects; vote your confidence in the Government in which you do not confide; but if you give them your votes, at least in future have the decency to cease your accusations, and silence your complaints.

House divided:—Ayes 156; Noes 296: Majority 140.

List of the AYES.

Alexander, N.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, H. J.
Baldock, E. H.
Bankes, G.
Baring, T.
Barrington, Visct.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Berkeley, hon. G. F.
Blackstone, W. S.
Blandford, Marq. of
Boldero, H. G.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Broadwood, H.
Bromley, R.
Brooke, Lord
Buck, L. W.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Chichester, Lord J. L.
Christopher, R. A.
Clive, H. B.
Cobbold, J. C.
Codrington, Sir W.
Colvile, C. R.
Compton, H. C.
Conolly, T.
Davies, D. A. S.
Deedes, W.
Disraeli, B.
Dod, J. W.
Dodd, G.
Drax, J. S. W. S. E.
Duncombe, hon. A.
Dundas, G.
Du Pre, C. G.
Egerton, Sir P.
Emlyn, Visct.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Floyer, J.
Forbes, W.
Forester, hon. G. C. W.
Fox, S. W. L.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Goddard, A. L.
Godson, R.
Gooch, E. S.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Granby, Marq. of
Grogan, E.
Guernsey, Lord
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Harris, hon. Capt.
Henley, J. W.
Herbert, H. A.
Herries, rt. hon. J. C.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Hood, Sir A.
Hornby, J.
Hotham, Lord
Jolliffe, Sir W. G. H.
Jones, Capt.
Kerrison, Sir E.
Knight, F. W.
Knightley, Sir C.
Knox, Col.
Law, hon. C. E.
Lennox, Lord H. G.
Leslie, C. P.
Lewisham, Visct.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lygon, hon. Gen.
Mandeville, Visct.
Manners, Lord C. S.
Manners, Lord G.
March, Earl of
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Moore, G. H.
Morgan, O.
Mundy, W.
Naas, Lord
Napier, J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
O'Brien, Sir L.
Ossulston, Lord
Packe, C. W.
Palmer, R.
Pigot, Sir R.
Plumptre, J. P.
Powell, Col.
Renton, J. C.
Repton, G. W. J.
Richards, R.
Rufford, F.
Rushout, Capt.
St. George, C.
Scott, hon. F.
Seaham, Visct.
Somerset, Capt.
Somerton, Visct.
Spooner, R.
Stafford, A.
Stanley, hon. E. H.
Stuart, J.
Sturt, H. G.
Taylor, T. E.
Thompson, Ald.
Thornhill, G.
Tollemache, J.
Trollope, Sir J.
Tyrell, Sir J. T.
Vivian, J. E.
Vyse, R. H. R. H.
Waddington, D.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Welby, G. E.
Williams, T. P.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of

TELLERS.

Beresford, W.
Mackenzie, W. F.

List of the NOES.

Abdy, T. N.
Acland, Sir T. D.
Adair, R. A. S.
Alcock, T.
Anderson, A.
Anson, hon. Col.
Armstrong, R. B.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, M. T.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Bass, M. T.
Beckett, W.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blake, M. J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brand, T.
Bright, J.
Brocklehurst, J.
Brotherton, J.

Brown, H.
Brown, W.
Browne, R. D.
Bruce, Lord E.
Bulkeley, Sir R. B. W.
Bunbury, E. H.
Butler, P. S.
Buxton, Sir E. N.
Callaghan, D.
Campbell, hon. W. F.
Cardwell, E.
Carter, J. B.
Caulfeild, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Chaplin, W. J.
Charteris, hon. F.
Childers, J. W.
Cholmeley, Sir M.
Clay, J.
Clay, Sir W.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Conyngham, Lord A.
Corry, rt. hon. H. L.
Cowan, C.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. B.
Currie, H.
Dalrymple, Capt.
Dashwood, G. H.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, E.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Douglas, Sir C. E.
Douro, Marq. of
Duff, G. S.
Duff, J.
Duncan, Visct.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, Sir De L.
Evans, J.
Evans, W.
Ewart, W.
Fagan, W.
Fergus, J.
Ferguson, Col.
FitzPatrick, rt. hn. J. W.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Goulburn, rt. hon. H.
Graham, rt hon. Sir J.
Greenall, G.
Greene, J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Guest, Sir J.
Hallyburton, Lord J. F.
Hamilton, Lord C.
Harcourt, G. G.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Heneage, E.
Henry, A.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hogg, Sir J. W.
Hollond, R.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. J. K.
Howard, hon. E. G. G.
Howard, Sir R.
Hughes, W. B.
Humphery, Ald.
Hutt, W.
Jermyn, Earl
Jervis, Sir J.
Johnstone, Sir J.
Keppel, hon. G. T.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Legh, G. C.
Lemon, Sir C.
Lennard, T. B.
Lewis, G. C.
Lincoln, Earl of
Lindsay, hon. Col.
Littleton, hon. E. R.
Loch, J.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
Mahon, The O'Gorman
Mahon, Visct.
Marshall, J. G.
Marshall, W.
Martin, J.
Martin, C. W.
Martin, S.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Molesworth, Sir W.
Monsell, W.
Morgan, H. K. G.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mullings, J. R.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, J.
O'Connell, J.
O'Connell, M. J.
Ogle, S. C. H.
Osborne, R. B.
Oswald, A.
Owen, Sir J.
Paget, Lord C.
Paget, Lord G.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pearson, C.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, Col.
Peel, F.
Pennant, hon. Col.
Perfect, R.
Philips, Sir G. R.
Pigott, F.
Pilkington, J.
Pinney, W.
Power, Dr.
Powlett, Lord W.
Price, Sir R.
Pryse, P.
Pusey, P.
Raphael, A.
Rawdon, Col.
Reid, Col.
Reynolds, J.
Ricardo, O.
Rice, E. R.
Rich, H.
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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CVI.

BEING THE FIFTH VOLUME OF SESSION 1849.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Comm.* Select Committee.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

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